

SEYMOUR PLANNING & ZONING COMMISSION

Public Hearing Minutes
September 14, 2017
Norma Drummer Room, Town Hall

Members Present: J. Ziehl, W. Birdsell, J. Hanewicz, J. Niezelski,
T. Lavranchuk

Member Absent: G. Vasas, J. Holly

Others Present: Bill Paecht, ZEO, Brian Nesteriak, Town Engineer,
Atty. Vincent Marino

Seymour Planning and Zoning Commission will hold a continued public hearing on September 14, 2017 in the Norma Drummer Room, Seymour Town Hall starting at 7:00 p.m. This hearing will be on an application for a special permit to allow the completion of Phase 2 of Great Oak Residential Community, 45 Spring Street and Summer Brook Way. The completion of Phase 2 involves the construction of 12 townhouse units and associated site improvements. Project plans are on file in the Town Planner's Office. The hearing is continued from August 10, 2017.

Atty. Chris Smith, Shipman & Goodwin representing the applicant stated that the public hearing is being continued. The Town Engineer asked for some additional information and everything has been submitted to him. Atty. Smith stated that the Inland Wetlands public hearing was closed but no action was taken by them at this time. He stated that they received the review letter from the Town Engineer which made reference that he received what he needed and he recommended a number of conditions. He stated that Summit Seymour has rights as declarant to proceed with the development and go forward and have access across Phase 1. A letter regarding that has been submitted.

Atty. Smith stated that there were comments from the Town Engineer regarding landscaping and the modifications that were done to the landscaping plans. It is now mostly lawn area. He stated that he did not know if the Association will allow the landscaping or would prefer to have it left as lawn.

Ted Hart, Milone & MacBroom gave an overview of the project and stated that he has been working to address the Town Engineer's comments. The drainage calculations have been updated and they added some additional storm drainage storage behind the units. There is zero increase in runoff. He stated that they added some notes to the plans. The existing asphalt will be removed and replaced. He stated that the Town Engineer asked that the existing drainage system be clean which will be done. Mr. Ziehl asked if the landscaping was put in with the first phase. Mr. Hart stated that it was no. Jim Pendry, applicant stated that he felt that the homeowners wanted lawn instead of the plantings. He stated that due to the economy he was not able to

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finish the work for several years. He stated that he is sorry that it has been left the way it is.

Mr. Nesteriak stated that he comments were mostly the same as previously stated. He stated that he received the revised plans and is satisfied with the latest revisions. He did state that h has several recommendations.

Atty. Franklin Pilicy, 365 Main Street, Waterbury, representing the Homeowners Association stated that the applicant has the right to develop additional units and incorporate those into the Association. The Association would prefer that they are incorporated into the Association. He stated that they would like to see all he conditions as presented by the Town Engineer included. He stated that as far as lawn area versus wetlands plantings the Association would agree to whatever the Inland Wetlands Agency recommends.

He stated that the driveway was never finished and the asphalt is deteriorating and needs to be replaced. He stated that they would like to have a performance bond required to protect the Association. He stated that the improvements that were originally proposed have never been done. He stated that they would want some protection for the Association that the improvements will be done this time. He also suggested that it be subject to a maintenance agreement to be negotiated between the Association and applicant. He stated that would be acceptable to both parties and staff as part of the formal approval. He stated that there were certain infrastructure improvements promised but never done.

Mr. Pendry stated that conditions could be made subject to the seventh c/o being issued. Mr. Nesteriak stated that he would like to avoid the same things happening with the second phase that happened with the first. Mr. Ziehl asked for an alternative to the performance bond. Atty. Pilicy stated that the Commission could require the performance bond be posted at the completion of the first building. Mr. Nesteriak stated that if a performance bond is required is the Town going to hold the bond and finish the project if the developer does not. This project is on private property. Atty. Pilicy stated that the Town can made sure that everything is done before the seventh c/o is issued. Atty. Smith stated that he was not sure about the maintenance agreement since this would be a private matter. Mr. Pendry stated that he has talked to some of the property owners.

Jason Bailey, President of the Association stated that they want everything done that has not been done so far. He stated that the driveway, roadway and parking area are all in a deteriorated condition. He stated that they would want to make sure that every condition imposed is completed. Mr. Pendry stated that he tried to reach out to the Association for several months but has not been able to meet with them.

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There was no public comment on the application.

MOTION: W. Birdsell/J. Hanewicz to close the public hearing.
Motion Carried 5-0.

The public hearing was closed at 7:40 p.m.

Respectfully submitted,

Maryanne DeTullio
Maryanne DeTullio, Recording Secretary