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## SEYMOUR ZONING BOARD OF APPEALS

Public Hearing Minutes  
January 5, 2012  
Norma Drummer Room, Town Hall

**Members Present:** Nicolette O'Toole, John Uhelsky, Melissa Smith-Poynton, Robert Ricciutti, Ted Holly, Patrick Lombardi (Alt.) and Susan Liscinsky (Alt.)

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

The meeting was called to order at 7:30 p.m. by ~~Theresa Conroy~~ <sup>Nicolette O'Toole</sup>, acting Chairman.

***1. An application for a side yard variance for the purpose of establishing an interior lot at 57 Mountain Road. The side yard to be 57.1 feet where 65 feet is required. This hearing is continued from December 1, 2011.***

Atty. Dominick Thomas, 315 Main Street, Derby was present for the applicant. He stated that the variance requested was previously voted upon and received three positive votes and one negative vote and four positive votes are needed for the variance to be approved. He stated that they came back and asked the Board to reapply and have five members present to vote on the application. That vote was affirmative and they were able to reapply and are now asking for the variance.

Atty. Thomas stated that Lot 5 ended up being an enormous lot that was considered a front lot. He presented a chart showing the bulk standards for a front lot and an interior lot and what Lot 5 has with regard to those standards. He stated that this lot has 117,946 s.f. plus 11,614 sf accessway for a total of 129,560 sf in total lot size. He stated that if it were an interior lot it would be 404' from Mountain Road and 208' to the front lot. He stated that the intent of the regulations is to have larger lots as interior lots and this lot has the size. They are only asking for a variance of approximately 7.9 feet. The side yard where the variance is needed is a treed area. He stated that all other regulations are met and exceeded. He stated that this complies with the spirit of the law.

Joseph Nesteriak, engineer stated that D. Gunderson, 55 Mountain Road had been at previous hearings and was concerned about this application. Mr. Nesteriak stated that he met with Mr. Gunderson and showed him the plans and that it was over 100' from his house. He stated that Mr. Gunderson was satisfied and stated that he would not be attending this hearing and was not opposed. Mr. Lombardi asked if he had anything in writing from Mr. Gunderson. Mr. Nesteriak stated that he did not but had indicated that he would not be attending the hearing and would not speak against the application.

Atty. Thomas stated that this is only the first step in their zoning process and they would have to go to Inland Wetlands and Planning and Zoning is the variance is approved.



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Acting Chm. O'Toole asked for any public comment on this application.

Sandra Opotzner, 2 School St. stated that Mr. And Mrs. Costanzo are in Florida but they had submitted a letter regarding this application and she asked that it be read into the record.

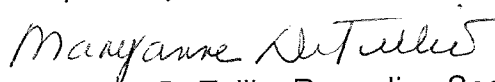
Chm. O'Toole read the letter dated 12/29/11 from Marilyn and Louis Costanzo, 61 Mountain Road, in opposition to this application (copy attached).

Atty. Thomas stated that the concerns in the letter are addressed to proposed Lot 6. He stated that at this time the Board is not approving an extra lot. He stated that interior lot regulations are done so that the lots are larger and this property will be triple the size required. He stated that they are not asking for a variance which could create a house that is too close to other houses or create a cluster situation. This would create the least amount of disturbance to the wetlands and it will be as far as possible from the wetlands. He stated that it will be located away from the wetlands and any slops and it is the best area from an environmental perspective. The driveway will be in the same location as it is now.

Atty. Thomas stated that all the points brought up in the Costanzos' letter will be seriously considered by Inland Wetlands and Planning and Zoning.

Mr. Looker stated that as far as the question of the water supply when a subdivision application is filed if the applicant proposes public water and sewers then something in writing needs to be submitted from the Sewer Authority and Water Company. They presented a letter from Aquarion Water that water could be supplied but never promised to do it. Therefore, public water was required for the lots. Atty. Thomas stated that when his clients purchased the property from the original applicants, they asked to have it modified and the lots were able to be serviced by wells. There are public sewers for the lots.

Respectfully submitted,

  
Maryanne DeTullio, Recording Secretary

December 29, 2011

Seymour Zoning Board of Appeals  
Attn: Mr. Bob Looker  
1 First Street Town Hall  
Seymour, CT 06483

Re: 57 Mountain Rd : Re- defining lot sizes to try to create an additional lot and side variance of approximately 60 feet (indeed not a small area in length over the acreage to add on)

Dear Mr. Looker and Zoning Board of Appeals:

As you may be aware we are in Florida and unable to attend this again extended meeting for the above-referenced matter with the Seymour Zoning Board of Appeals. We have already shown up at least 3 previous meetings only to be met with postponements. Please read this short note at the Jan, 2012 public Appeals meeting or **WHENEVER** date it is to come up should they postpone it once again.

Again, we are **RE-CONFIRMING** our position and **VOICE** on the above- referenced matter that we are **AGAINST ANY MANIPULATION AND CHANGE OF THE LOT SIZES TO CREATE AN ADDITIONAL LOT**. The approval of such lot would severely compromise the **INTEGRITY** of the land, its wetlands, wildlife, etc., as well as strongly impact the safety of the people living in the area and travelling on Mountain Road. Also, keeping the larger lots which were approved maintains the quality of the project on the land.

This land my family owned nearly 100 years and we are the previous owners of these 11+ acres of virgin woods, along with the family homestead, I repeat back to you tonight some of what was brought forth to us at the time we were planning Fieldstone Woods with our Surveyor, Michael Horbel of Seymour.

Mr. Horbel's original outlay of the land lots to us also included a sixth lot in proximity to what is being proposed now. I still have those maps. Through discussions (both of record and **MANY** behind the scenes) with the many officials involved in the process including, the Inland Wetlands Commission especially, the Town Engineer, CL&P, water company, traffic people and all the others involved in the planning and approval process I share with you tonight some of the issues brought to light to us that made us **UNDERSTAND** how wrong it would be to put a home in that location.

The Wetlands Commission pointed out just how much wetlands would be affected and destroyed, needed to be crossed and cleared, and acknowledged that the mountain has a high water table, several pop-up springs, etc. The Wetlands Commission proclaimed any excavation needed, even to have a home close to the road would be devastating and their necessary setbacks unachievable. They were so adamant in their strong feelings of this that they passed on to us that no way would they ever approve Fieldstone Woods with that lot set into the maps.

The Traffic people were totally against having a driveway exit at that narrow, blind area of Mountain Road where there have been accidents too numerous to mention. We have witnessed ourselves in the 35 years we lived there at 61 Mountain Rd, many cars just slide off the road at that point, tipping themselves, hitting the roofed- barn there, hitting our stone wall, spinning around, motorcycles coming down the hill blindly and being knocked down, drivers thrown and/or forced off the road and many persons injured RIGHT THERE. The Mountain Road crests at that point and even school buses have slid and lost control as they have gained speed there. Cars just spin around trying to gain control at that spot even more so when there is ice or much sand. We have seen it all ourselves. The Traffic People absolutely did Not want another driveway in that area. We understand.

The Conservation people also showed concern for the nature and wildlife dwelling on the 11+ acres. It is the natural habitat of many, many species of animals that we have witnessed living in the family's woods including many deer, fox, raccoons, skunks, possum, coyote, owls, hawks, birds, bats, snakes, fisher, hedgehogs, etc. There are many areas of wetlands and natural springs, frogs, toads and turtles on the wetlands of the property and along side in the dry areas. The underground watercourse crosses from the other side of Mountain Road near the area. We could see that by keeping the lots larger much would be preserved. That was their input. We understand.

As one can determine by my brief description of Seymour's position as presented to us about the lot is that Seymour has already spoken up against having an additional lot at that location for the well being and integrity of the land, nature and people affected....We feel an additional home should NOT be allowed to be built there now or ever. We understand it and accepted it. Indeed we were informed Fieldstone Woods would Never have gotten approvals with that lot listed on the map. The dignity of the land and safety of people are much more important. We understand.

Mr. Nesteriak was fully aware of the terms and conditions of the Fieldstone Woods subdivision before he purchased it. He did his due diligence. Let us not confuse greed as hardship.

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It is not in the best interest of Seymourites to pay the price for Mr. Nesteriak's business decisions.

My Family has respected this land close to 100 years and we hope you will UNDERSTAND and share the same view for what is best tonight with your vote.

It has been difficult to explain our position clearly in this letter but appreciate the opportunity to do so at this public hearing. Thank you.

Sincerely,

*Marilyn Costanzo*

*Louis Costanzo*

Marilyn and Louis Costanzo  
61 Mountain Road  
Seymour, CT 06483

Cc: Mr. Peter Jezierny, Conservation Commission