

TOWN OF SEYMOUR, CONNECTICUT

ZONING BOARD OF APPEALS

Regular Meeting Minutes

Date: August 6, 2026 7:30 PM

Location: Seymour Community Center

Community Room

20 Pine Street, Seymour, CT 06483

COPY RECEIVED

DATE: 8/13/26

TIME: 4:29 PM

TOWN CLERK'S OFFICE

1. Call to Order / Roll Call / Pledge of Allegiance

(P. Whilhelmy, P. Chapla, P. Wetowitz, S. Walsh, A. DeFelice - a)

The meeting was called to order and roll call was conducted.

Regular member B. Lynch was reported absent due to vacation. A motion was made and seconded to seat alternate Anthony DeFelice in Mr. Lynch's place. Motion by S. Walsh, 2nd P. Wetowitz, carried unanimously by voice vote (4-0).

2. Approval of Minutes

The Board considered the Public Hearing Minutes of the June 11, 2026 meeting.

Motion P. Wetowitz, 2nd by P. Chapla and to approve the minutes (5-0).

The Board considered the Regular Meeting Minutes of the June 11, 2026 meeting.

Motion P. Wetowitz, 2nd by P. Chapla and to approve the minutes (5-0).

3. ZPA-26-2 — 174 South Benham (Road Appeal of Zoning Enforcement Action)

The Board proceeded with deliberations concerning Appeal ZPA-26-2, involving an appeal of a zoning enforcement action concerning property located at 174 South Benham Road.

The Chair reviewed the Board's authority and procedural requirements.

The Board was advised that:

- The public hearing had previously been closed;
- No additional testimony or evidence would be received;
- The Board's decision was required within 65 days of the close of the hearing;
- The decision deadline was identified as August 15, 2026;
- The Board could affirm, reverse, or modify the decision of the Zoning Enforcement Officer; and
- The decision must be based upon the evidence contained in the record.

Members were advised to base their deliberations upon the record and applicable regulations rather than emotion or public sentiment.

P. Wetowitz commented on difficult decision before the board.

A. DeFelice reviewed documents and timeline submitted during the public hearing from staff and Naugatuck Valley Health District; the complaint and the lack of transparency on the part of the owner of farm. Based on the evidence submitted it is clear that the farm did not follow the direction of the town to avoid the violation. S. Walsh commented stated he had reviewed the record.

Prior Zoning Correspondence

The Board reviewed the history of zoning correspondence concerning the property and farm operation.

The record included a July 2020 letter advising that farm designation was subject to zoning limitations and suggesting that a zoning text amendment could be pursued for activities such as demonstrations and meals.

The Board also reviewed zoning correspondence from August and September 2022 addressing limitations applicable to farm stands and accessory farm activities.

The correspondence stated, among other things, that farm stands could sell qualifying agricultural products but that retail sales of non-agricultural products and assembly-type activities were not permitted under the applicable regulations.

Activities discussed in the correspondence included:

- General retail operations;
- Demonstrations and workshops;
- Farm-to-table meals;
- Dining operations;
- Live music and dancing; and
- Fee-based public events.

The correspondence advised that a zoning text amendment could be pursued if broader activities were desired.

The Board reviewed documentation concerning inspections and communications involving the Naugatuck Valley Health District and Town staff.

The record included information concerning inspections conducted in July and August 2024 relating to advertised farm-to-table dinners and food service.

The Health District identified concerns regarding food preparation and service, including the lack of an approved kitchen and certified food protection management during required periods.

The Board considered this information as part of the historical record concerning activities at the property.

Complaint

The Board reviewed the formal complaint that resulted in the zoning enforcement action.

The complaint requested enforcement concerning activities including:

- Weddings;
- Music and entertainment events;
- Open-mic events;
- Art programs and markets;
- Retail sales of non-agricultural merchandise;
- Yoga and wellness activities;
- Retreats and assemblies; and
- Mobile food trucks.

The complaint did not seek to prohibit lawful farming, animal husbandry, or other agricultural activities permitted by the zoning regulations.

Board Discussion

Board members discussed the history of communications between the Town and the property owner and expressed concerns regarding the availability of relevant documentation and the need for transparency in the zoning process.

Members discussed the distinction between lawful agricultural uses and commercial or assembly activities not permitted under the existing regulations.

The Board also discussed the importance of consistent zoning enforcement and the potential precedent created when activities not authorized by the zoning regulations are allowed to continue. It was noted that the ZBA has limited statutory authority and cannot independently amend the zoning regulations. Any zoning text amendment authorizing additional agritourism or commercial accessory activities must proceed through the appropriate Planning and Zoning Commission process and required public hearing.

Chairman Wihelmy reviewed the charge before the board this evening.

Motion P. Chapla, 2nd by P. Wetowitz to partially uphold and modify the cease-and-desist order. The appeal of the Cease and Desist Order is upheld with respect to non-agricultural commercial and assembly uses, including vendor markets, weddings, entertainment-based events such as open mic performances, food truck events and similar activities not permitted in the R-40 zone. The order is modified to clarify that it does not, it does not, prohibit lawful agricultural uses, including farming, animal husbandry, agricultural education, programming directly tied to farm production, and the accessory sale of farm products as permitted by the regulations. The enforcement of this order is stay for ninety (90) days until November 5, 2026. During this time of stay, any activity subject to the Cease and Desist Order will need to be noticed to and permission granted from the proper agents of the town, such as the police department, building officials, and fire department.

Chairman Wihelmy and Attorney Marini clarified discussion of the motion and what transpires after the ninety (90) stay.

Motion carried unanimously (5-0).

5. ZBA-26-3: Automobile Services Location Approval — 28 Rimmondale Street

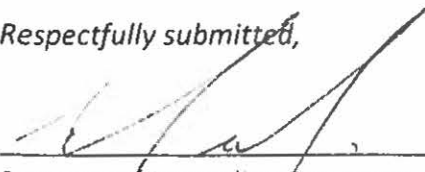
The Board returned to the application concerning location approval for automobile services/motor vehicle repair at 28 Rimmondale Street.

Motion P. Chapla, 2nd by P. Wetowitz to approve the location for automobile services, unanimously (5-0).

6. Adjournment

There being no further business before the Board, the meeting was adjourned.

Respectfully submitted,



Secretary / Recording Secretary