

Planning and Zoning Commission City of Derby

Theodore J. Estwan, Jr., Chairman

Steven A. Jalowiec

David J. Rogers

Richard A. Stankye

Albert Misiewicz

Glenn H. Stevens

Raul Sanchez

Anthony Szewczyk, Alt.

Maryanne DeTullio, Clerk

A special meeting of the Planning and Zoning Commission of the City of Derby was held on Thursday, April 25, 2013 at 6:30 p.m. in the Aldermanic Chambers, City Hall, 1 Elizabeth Street, Derby.

The meeting was called to order at 6:35 p.m. by Chairman Ted Estwan. Present were Ted Estwan, Glenn Stevens, Albert Misiewicz, Steve Jalowiec and Raul Sanchez.

Public Portion

There was no one from the public wishing to speak.

Approval of Settlement – BAMF Homes Limited v Planning & Zoning Commission

Chm. Estwan stated that this matter was discussed several months ago and some changes were made. Mr. Estwan moved to approve the settlement of the matter of BAMF Homes Limited vs Planning and Zoning Commission of the City of Derby, DN: AAN-CV-12-6011914-S under the following terms and conditions:

1. The proposed five (5) lot subdivision shall be approved, with a single flag lot, based on the following findings of fact:
 - a. The property known as 16 John Street, Assessor's map 3-2, Lot 13, is a 3.3 acre parcel with approximately 400 feet of frontage on John Street.
 - b. The parcel is deep with a wetlands corridor running through the property.
 - c. The current configuration of lots complies in all respects with the bulk standards for lots in the R-3 Zone.
 - d. The flag lot:
 - i. takes advantage of the topographical features of the property;
 - ii. is substantially oversized and has substantial separation from residential structures bordering the subdivision;
 - iii. creates a more optimum usage of the parcel;

- iv. allows for greater density along the street when street construction is not justifiable;
- v. permits protection of the wetland corridor; and
- vi. creates a natural area of open space that will remain undisturbed as required by the conditions of the wetlands regulated activity permit.

2. The applicant agrees to connect the trench drains at the end of each driveway to the existing catch basin at the northwest corner of John Street and Sodom Lane by virtue of a storm drain pipe in the John Street right of way. Upon completion of the drainage construction and approval by the City, the storm drain pipe in the City right of way shall be maintained by the City of Derby.

3. A note shall be placed on the record subdivision map as follows: "Lot 5, the approved flag lot shall not be resubdivided to form additional interior lot(s).

4. All other conditions of the November 20, 2012 approval of the subdivision without the flag lot shall be incorporated into this settlement approval.

5. This settlement is subject to approval by the Superior Court in accordance with Connecticut General Statutes §8-8(n).

The motion was seconded by Mr. Jalowiec and carried unanimously.

A motion to adjourn was made by Mr. Jalowiec, seconded by Mr. Stevens and carried unanimously. The meeting was adjourned at 6:35 p.m.

Respectfully submitted,

Maryanne DeTullio, Clerk

These minutes are subject to the Commission's approval at their next scheduled meeting.