

TOWN OF WARREN
PLANNING & ZONING COMMISSION
Regular Meeting
Tuesday, October 13, 2015 - 7:30 pm
Town Hall - 50 Cemetery Road

Those **PRESENT** were Chairman Robert Bolte, Vice Chairman Chris Brodhead, Regular Members Susan Bates and Robyn Kasler; Alternates Kelly Tobin and Darin Willenbrock; Zoning Enforcement Officer Stacey Sefcik; and Recording Secretary Richelle Hodza.

Those **ABSENT** were Regular Members Chris Fischer, Phil Good, Howard Lethbridge, and John Miller; and Alternate Brian Coyle.

1. CALL TO ORDER AND DESIGNATION OF ALTERNATES

The meeting was called to order at 7:30 p.m. by Chairman Bolte.

Ms. Tobin was seated for Mr. Fischer and Mr. Willenbrock was seated for Mr. Lethbridge.

2. PUBLIC COMMENT

Chairman Bolte asked if there were any comments from the public. None was heard.

3. APPROVAL OF MINUTES

A **MOTION** to accept the minutes from the last Regular Meeting on Tuesday, September 8, 2015 was made by Ms. Bates. It was **SECONDED** by Ms. Kasler. All were in favor. The **MOTION CARRIED**.

4. OLD BUSINESS

A. Henk Dalmeyer, **220 KENT ROAD** - Zoning Permit for Construction of New House

Mr. Dalmeyer presented a plan to Ms. Sefcik who reviewed it, noting that the information she had requested with regard to the average height of the dwelling was indeed supplied. The average height had been calculated to be 34.5 feet, which is within the maximum height of 35.0 feet allowed by the Zoning Regulations. The plan included information on the location of a shed, also requested by Ms. Sefcik. Chairman Bolte asked for confirmation that all the setback requirements were met. Ms. Sefcik confirmed that they had been.

Chairman Bolte made a **MOTION** to approve the application for a zoning permit; it was **SECONDED** by Ms. Bates, and unanimously **APPROVED**.

B. Arthur Howland & Associates for Woodrow and Maria Campbell, **41 RABBIT HILL ROAD** – Zoning Permit for Construction of Single Family Dwelling and Modification of Driveway

Paul Szymanski, PE, appeared for Arthur Howland & Associates on behalf of Mr. and Mrs. Campbell. Mr. Szymanski distributed copies of a Warranty Deed (Vol. 075 Page 0868) dated May 7,

2008, the instrument through which the 9.9308 acre parcel, known at the time as 33 Rabbit Hill Road, was incorporated into adjacent land owned by the applicants.

Mr. Bolte stated that the said parcel had been, prior to 1975, a pre-existing, non-conforming lot with a single family dwelling on it. He expressed his concern that the zoning permit now being sought was not for that pre-existing parcel, but for a different parcel, whose lot lines had been created in 2008 by a “transplant” of the pre-existing, non-conforming lot to a different part of the conglomerated property. Mr. Bolte stated that although the Zoning Board had issued a permit to create the 2008 lot, such a decision was neither within its power, nor in accordance with Zoning Regulations. Ms. Sefcik expressed her concern that, whether or not the Commission had issued an impossible permit seven years ago, the applicants were now acting in good faith according to that decision. Ms. Sefcik added that she did not believe it was within this Commission’s power to reverse a decision made by the same Commission seven years earlier. Mr. Szymanski maintained that the applicants were relying on the Commission’s earlier decision. Other members expressed their concerns. Chairman Bolte requested that the matter be discussed with counsel. Ms. Sefcik she would contact the attorney and report back.

Ms. Sefcik then asked Mr. Szymanski if he had obtained other information she had requested from the Torrington Area Health Department regarding a discrepancy in the number of bedrooms. Mr. Szymanski said he would be prepared to provide that information at the next meeting.

A **MOTION** was made by Ms. Bates, **SECONDED** by Ms. Kasler, to continue the application to the next regular meeting. The motion **CARRIED**.

- C. Blake and Keri Mahaffey, **11 FOXFIRE ROAD** – Zoning Permit for Construction of Single Family Dwelling and Driveway. The application was **WITHDRAWN**.
- D. Arthur Howland & Associates for Sam Gold, LLC, **108 NORTH SHORE ROAD** – Flood Plain Permit Request per Section 11.3 and Special Exception per Section 16.3 of the Town of Warren Zoning Regulations for Demolition and Rebuild of Single Family Dwelling within the Shoreline Setback Area. A public hearing of the matter is scheduled for November 10, 2015. **NO ACTION** was needed.

5. NEW BUSINESS

No new business was presented.

6. CORRESPONDENCE

Ms. Sefcik distributed information regarding the Land Use Academy of the University of Connecticut’s all-day Advanced Training session to be held on Saturday October 24, 2015 in Haddam, Connecticut and invited members who wish to attend to inform her. The cost is \$40.

7. ZONING ENFORCEMENT OFFICER’S REPORT

Ms. Sefcik distributed a four-page, typed report dated October 13, 2015, for the period since September 10, 2015. She stated that she had done two site inspections without issue, one of **8 Above All Road**, and the other of **Couch Road** (the Montessori School).

In response to the Notice of Violation and Request for Voluntary Compliance issued on **23 Partridge Road** where the construction of a barn/shed was begun without permits, Ms. Ina Barr submitted a zoning permit application; an attorney representing Mr. Charles Eaton with regard to his **387 Lake**

Road residential property being used for business informed Ms. Sefcik that since the Cease and Desist Order of June 19, further modifications had been made to the online listings; regarding the use of **28 Reed Road** business, it seems the Meduris may have resumed commercial activities, thus Ms. Sefcik reported that she would investigate and, if necessary, issue a Cease and Desist Order; it has been determined that the concrete boat launch at the Kaicher residence at **33 Arrow Point Road** is in fact smaller, not larger, than the pre-existing boat launch; Ms. Sefcik reported that a hot tub was installed without zoning and building permits at **7 Hopkins Road** and that the owners had been sent a letter requesting applications for permits with a site plan indicating especially, the rear property line.

Ms. Bates made a **MOTION** to accept the Zoning Enforcement Officer's Report. The motion was **SECONDED** by Vice Chairman Brodhead. The motion was unanimously **APPROVED**.

8. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION

Chairman Bolte asked if there was any other business. There was none.

A **MOTION** to adjourn the meeting until **TUESDAY, NOVEMBER 10, 2015** at **7:30 p.m.** was made by Ms. Bates and **SECONDED** by Ms. Tobin. The motion **CARRIED**.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'RHodza', with the 'H' and 'o' connected.

Richelle Hodza
Recording Secretary