

TOWN OF WARREN
PLANNING & ZONING COMMISSION
PUBLIC HEARING and REGULAR MEETING MINUTES
Tuesday, November 10, 2015 - 7:30 pm
Town Hall - 50 Cemetery Road

Those **PRESENT** were Chairman Robert Bolte, Vice Chairman Chris Brodhead, Susan Bates, Robyn Kasler, John Miller, Alternate Kelly Tobin, Alternate Darin Willenbrock; Stacey Sefcik, ZEO; and Recording Secretary Richelle Hodza. **ABSENT** were Chris Fischer, Phil Good, Howard Lethbridge and Alternate Brian Coyle

PUBLIC HEARING

Arthur H. Howland & Associates, P.C. for Samgold, 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.

Ms. Sefcik read the public notice published on October 27 and November 3 in the Republican American into the record. A letter had been received in September via email from Thomas A. J. McGowan, Executive Director of the Lake Waramaug Task Force, with regard to the property. It was noted that the concerns raised in the letter had been addressed as part of the Inland Wetlands Commission permit application, which had been approved. Mr. Paul Szymanski, PE, of Howland & Associates produced for the Commission proof of notice of the public hearing to abutting neighbors along with a photograph of the signage placed on the property itself. A letter from Michael Natale, LS, also of Howland & Associates, dated September 30, 2015, was presented, stating that the proposed 10-bedroom house depicted on the Site Plan is not located within the 100-year flood zone.

Mr. Szymanski reviewed the plans for the Commission and stated that the plans for storm water runoff and drainage had been reviewed by the Town's engineer Todd A. Parsons, PE of Lenard Engineering Inc. Ms. Sefcik confirmed that as part of the Inland Wetlands application process, it had been reviewed. Mr. Szymanski outlined the recommendations made by Mr. Parsons and discussed how they had been addressed, including, among others, state-of-the-art erosion controls, mature tree protection including trunk and dripline, enlarged rain gardens, limited disturbance of existing landscape, greater setback from shoreline, and the moving of the fill stockpile further back.

Chairman Bolte asked if any of the Commission members had questions. There were none that had not been addressed in the presentation. Chairman Bolte invited the public to comment.

Ms. Heather Allen of 96 Northshore Road stated that she was a neighbor and had not been notified. Mr. Szymanski stated that the neighbors had been identified by using the Assessor's map and it was determined that because there was an intervening lot also owned by the applicant (Lot 7) Ms. Allen's property did not lie within 200 feet from the property in question (See Warren Zoning Regs. §35.1). Ms. Allen stated that it should have been a common courtesy, especially since she had made herself known at other public hearings in the matter. Ms. Sefcik read the section of the pertinent regulations which stated that if a person was not notified but was present nonetheless, notification would be deemed sufficient. Ms. Allen then voiced her concerns about the trees, stating that she did not want to see the project morph such that trees -- in addition to the five identified -- would be removed without prior approval. She also inquired about the flood plain. Mr. Szymanski showed her the site plan indicating a line delineating the flood plain. She had no further comments.

Ms. Sefcik reported that she had spoken with Fire Chief Bob Newton of the Warren Volunteer Fire Company, Inc. who said that owing to the length of the driveway, an 8' x 50' pull off-area is desirable and may be

required, should the Commission so decide, in order to allow mobility should emergency response vehicles needed access to the property. Mr. Szymanski pointed out that there was, at the intersection of the two driveways, a place to maneuver. In addition, there was a large parking lot at the end of the first driveway in which to turn around. He stated that while the applicants would be willing to construct a pull-off area, it would require additional disturbance of existing vegetation and increase impervious surface area.

Chairman Bolte asked if there were additional comments from the public. None having been heard, the public hearing was closed at 8:13 p.m.

REGULAR MEETING

1. CALL TO ORDER AND DESIGNATION OF ALTERNATES

The Regular Meeting of the Planning and Zoning Commission was called to order at 8:14 p.m. Chairman Bolte asked for a motion to amend the agenda to include the election of officers. Ms. Bates made such MOTION, Mr. Brodhead **SECONDED**, the motion **CARRIED**.

Chairman Bolte seated Ms. Tobin for Mr. Fischer and Mr. Willenbrock for Mr. Lethbridge.

2. ELECTION OF OFFICERS

Chairman Bolte asked for a moderator for the elections. Ms. Bates made a MOTION nominating Ms. Sefcik, Mr. Brodhead **seconded** the nomination, all were in favor; motion **CARRIED**.

Ms. Sefcik asked if there were any nominations for Chairman. Ms. Bates nominated Mr. Bolte, Mr. Brodhead seconded the nomination. All were in favor. Mr. Robert Bolte was named the Commission Chairman for the next term. Ms. Sefcik asked for nominations for Vice Chairman. Ms. Kasler nominated Mr. Chris Brodhead; Mr. Bolte seconded the nomination; and all were in favor. Mr. Brodhead was named Commission Vice Chairman for the next term.

3. PUBLIC COMMENT

Chairman Bolte asked if there were any comments from the public. There were none.

4. APPROVAL OF MINUTES

A **MOTION** to approve the minutes from the last Regular Meeting on Tuesday, October 13, 2015 was made by Ms. Bates. It was **SECONDED** by Ms. Kasler. All were in favor. The **MOTION CARRIED**.

5. OLD BUSINESS

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

Mr. Szymanski of Howland & Associates spoke for the applicants. The proposed dwelling was a three bedroom house and barn, to be attached by screened porch, with septic system

approved by the Torrington Area Health Department. The height of the building taken at several elevations as required was four and a half feet under the maximum allowed.

With regard to the 2008 lot line revision, the Town's attorney had been consulted to determine its legal standing. Ms. Sefcik reported that the attorney stated that the former approval of the subject lot by the Commission, despite any difference in composition of that Commission, and regardless of any possible error in its determination, was binding on the present Commission. In addition, because the Commission is a joint planning AND zoning commission, it is binding upon both.

It was noted that the driveway crosses over other property owned by the Campbells and emanates from a private road also owned by the Campbells, who would be responsible for maintenance of the existing swales and drains. It was noted that the proposed house meets all the setback requirements and, because the proposed driveway is no more than 10% grade, it would not require pavement.

Chairman Bolte reiterated his concern that the former Commission had approved an illegal lot. He asked if there were any further comments. There were none. Mr. Brodhead made a motion to APPROVE the application with the condition that access be maintained by the fee holders. Mr. Miller SECONDED the motion. Mr. Bolte ABSTAINED. The remaining members were in FAVOR. The application was APPROVED.

- B. Arthur Howland & Associates for Samgold, 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.

Mr. Brodhead made a MOTION to approve the application. Ms. Kasler SECONDED the motion. Chairman Bolte opened the matter for discussion. Members said they were satisfied with the additional controls placed in the hands of the Zoning Enforcement Officer. Mr. Brodhead felt that there was no need for an additional pull-off for emergency vehicles, as the wider area at the fork in the driveway as well as the large parking area at the end of one of the driveways could serve as turn-arounds. Mr. Bolte asked for additional comments. None heard, Chairman Bolte asked for those in favor. The application was APPROVED unanimously.

6. NEW BUSINESS

- A. Arthur Howland & Associates for Sam Gold, LLC, **108 North Shore Road** – Zoning Permit to Tear Down and Rebuild Single Family Dwelling and Modify Driveway.

Ms. Bates made a MOTION to approve the permit. Some discussion ensued regarding receipt of the required \$15,000 Bond for Erosion and Sedimentation controls. Ms. Bates set forth an AMENDED MOTION to authorize Ms. Sefcik, ZEO, to approve the application pending receipt of the Erosion and Sedimentation Bond. The motion, as amended, was SECONDED by Ms. Kasler and it CARRIED unanimously.

- B. Laurence Neufeld and Monika McKillen, **Milton Road** (Assessor's Map 40, Lot 3) – Zoning Permit to Construct Single Family Dwelling and Driveway.

Ms. Sefcik noted that the house number assigned to the subject property was 282. Mr. Neufeld stated that he had placed a \$1,000 bond as required by the Commission. Ms. Sefcik was unable to confirm that it had in fact been received. Chairman Bolte wished to have verification that the lot was a single lot. Mr. Neufeld presented the deed in supporting same.

Ms. Bates made a MOTION to approve the application providing that (a) a pull-off area, as presently indicated by Mr. Neufeld on the plan, was included to allow for emergency vehicle access and (b) pending confirmation of receipt of the bond. Mr. Brodhead SECONDED the motion. The application was APPROVED as stated.

Mr. Broadhead made a MOTION to amend the agenda to include the matter of a text amendment to the Zoning Regulations. Ms. Kasler SECONDED the motion. All were in favor to amend the agenda. The motion CARRIED.

Mr. Paul Szymanski submitted a proposed change in the language of §17.3 of the Zoning Regulations regarding setbacks of non-conforming structures with a second story. Ms. Sefcik stated that she had been aware of the proposal and that the town attorney had reviewed and revised the proposed language. The object of the proposed change was to maintain the intent of the regulation – to restrict size – while making such a particular instance a special exception rather than have it require a variance.

Ms. Kasler asked whether someone, such as Mr. Szymanski, who is not a Warren tax payer, was permitted to propose an amendment to the Town's Zoning Regulations. Mr. Szymanski offered to, and did change the text amendment request to include his client, Warren property owner, as applicant.

Mr. Broadhead wanted further discussion on the matter as he did not agree that the proposed language made the intent of the regulations any clearer. Ms. Sefcik noted that there any text amendment required a public hearing and proper notifications to town councils. Such requirements would necessarily postpone the hearing until the January Regular meeting. The applicant requested to table the proposed text amendment until the December meeting. Ms. Bates made a MOTION to table the text amendment until the December 8th meeting; Ms. Tobin SECONDED. The motion CARRIED.

7. CORRESPONDENCE

Ms. Sefcik reminded commissioners of a forum on Tuesday, November 17, 2015 at St. John's Parish Hall in Washington at 7:00 p.m. to discuss land use issues faced by Washington, Warren and Kent; s to sign up for the Lake Waramaug Task Force email list if they so desired; and to take the survey regarding the 21-town Regional Transportation Plan sponsored by the Northwest Hills Council of Governments (NHCOG). Ms. Sefcik also handed out an article published in the Republican American on November 7, 2015 demonstrating that other regional towns are having to deal with concerns over so-called "air B&B" website listings.

8. ZONING ENFORCEMENT OFFICER'S REPORT

Ms. Sefcik distributed a three-page status report dated November 10, 2015, for the period since October 14, 2015. Copies of the report are available in the Land Use offices.

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

9. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION

Chairman Bolte cited one item of other business proper on the agenda. Ms. Bates removed herself from the table of commissioners. Such business proper was Susan Bates's request for a final 90-day extension of time to file Mylar plans on the approved 3-lot re-subdivision of 76 Tanner Hill Road.

Ms. Kasler made a **MOTION** to grant the final 90-day extension to Ms. Bates. Mr. Brodhead **SECONDED** the motion. The motion **CARRIED**.

A **MOTION** to adjourn the meeting at 9:26 p.m. until **TUESDAY, DECEMBER 8, 2015 at 7:30 p.m.** was made by Mr. Brodhead and **SECONDED** by Ms. Tobin. The motion **CARRIED**.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'RH' followed by a stylized flourish.

Richelle Hodza
Recording Secretary