

TOWN OF WARREN
PLANNING & ZONING COMMISSION
Public Hearing and Regular Meeting Minutes
Tuesday, January 12, 2016 - 7:30PM
Town Hall Conference Room - 50 Cemetery Road

Commission members **PRESENT** were Chairman Robert Bolte, Vice Chairman Christoffer Brodhead, Susan Bates, Robyn Kasler, John Miller, Phil Good, Howard Lethbridge, and Alternate Kelly Tobin. Also present were Stacey Sefcik, ZEO and Recording Secretary Richelle Hodza. Absent were Chris Fischer, and Alternates Darin Willenbrock and Brian Coyle.

PUBLIC HEARING

Chairman Bolte opened the public hearing at 7:31 p.m. in the matter of **Arthur Howland & Associates'** petition on behalf of **DH Partners, LLC, 8 North Shore Road**, to **amend the text of Section 17.3 of the Town of Warren Zoning Regulations regarding "Nonconforming Structures."** Mr. Paul Szymanski was present on behalf of the applicant and outlined the recent history of the proposed text amendment. Ms. Sefcik enumerated three pieces of written correspondence she had received regarding the matter: (1) a letter from the Northwest Hills Council of Governments (NHCOG); (2) an email memorandum from Mr. Thomas McGowan of the Lake Waramaug Task Force; and (3) an opinion with case precedents from the Town's attorney, Mr. Mark Branse. Ms. Sefcik stated that the NHCOG letter was much a standard form letter without specificity to the proposal under consideration; Mr. Brodhead read the letter from Mr. McGowan into the record; and Ms. Sefcik read the opinion of the attorney. With regard to Mr. McGowan's letter, which was concerned with "shoreline setbacks" versus "front- or sideyard setbacks," Ms. Sefcik noted that a shoreline setback is itself effectively a "yard" setback, differing in its requirement of additional distance. At issue in the Attorney's opinion was the difference between vertical versus horizontal space expansion. Ms. Sefcik again clarified the language for members, explaining that by maintaining Section 17.3.b1 as proposed limits expansion to verticality.

Chairman Bolte raised the issue of *overhangs*. First, what constituted an overhang? And, second, what did "*with the exclusion of overhangs*" mean in the proposed text. Ms. Sefcik pointed out that the Town's regulations are silent on what kinds of things count in the setback area. It was noted that structures such as bay windows, chimneys, overhangs, and gutters are potentially measurable within a setback area. Ms. Sefcik stated that defining terms would be a useful undertaking for the Commission; however the matter being heard presently was a proposed amendment of Section 17.3 only. Chairman Bolte suggested adding a number "4" limiting the size of the overhang to two feet. Mr. Szymanski stated that he had recently encountered similar difficulties with the language of the Regulations of the Towns of both New Milford and Washington. He volunteered to email Ms. Sefcik the solutions at which they had arrived, as possible guides. Chairman Bolte called for a continuance of the Public Hearing to February 9th at 7:30 in order to have time revise the proposed text such that the non-conforming special exception was limited to (a) vertical expansion and (b) any roof overhang can be no greater than the existing roof overhang at the time of the application.

REGULAR MEETING

1. **CALL TO ORDER AND DESIGNATION OF ALTERNATES.** Chairman Bolte called the meeting to order at 8:06 p.m. and seated Ms. Tobin for Mr. Fischer.
2. **PUBLIC COMMENT.** Chairman Bolte invited public comment. There was none.
3. **APPROVAL OF MINUTES.** Mr. Miller made a **MOTION** to approve the Minutes of the December 8, 2015 regular meeting, **SECONDED** by Mr. Brodhead. The motion **CARRIED**.
4. **OLD BUSINESS** None
5. **NEW BUSINESS**

Mr. Lethbridge made a **MOTION** to amend the agenda to include **Susan Bates, 76 Tanner Hill Road, 3-Lot Resubdivision**. Mr. Miller **SECONDED** the motion. The motion **CARRIED**.

Ms. Bates recused herself.

Ms. Sefcik summarized the matter before the Commission stating that all the terms, which had been conditionally approved by the Commission on April 14, 2015, of the 3-Lot resubdivision application made by Ms. Susan Bates had been satisfied, except part of Condition 1, which stated that the 8.738-acre area entitled "Proposed Open Space Easement" on Lot 3 depicted on Sheet Two of the Resubdivision Map ...shall be... labeled "Conservation Easement to be Granted to Warren Land Trust, Inc." on the Mylar recording subdivision map. Ms. Sefcik brought to the Commission's attention that the Mylar map had not been revised and the signatures thereon predated the conditional approval. Some Commission members were concerned about the additional expense to the applicant for new Mylars. Ms. Kasler asked if the printed Mylar before the Commission could be amended by hand and signed by the Chairman and/or Commission Members, similar to the procedure with certain legal documents. Ms. Sefcik stated that the map was prepared according to certain regulations, signed, and sealed by a licensed land surveyor who had the authority to change the document. There was discussion over whether or not the label "Proposed Open Space Easement" was sufficient to alert a potential buyer of the property to look into the matter further. Ms. Sefcik pointed out that it was the Commission's own Condition for approval that the language be changed on the map. She also spoke of a contemporaneous dispute, whose origin was similar in nature to the present one, over a conservation agreement with the nearby Weantinoge Heritage Land Trust. It was a snag that could have been avoided had proper documentary procedure been followed.

Chairman Bolte wanted to know when the filing deadline was. Ms. Sefcik stated that the applicant had received the last of two extensions of time for filing such that January 26 was the final deadline. Chairman Bolte stated that the instrument of conveyance is a deed, not a map. The onus was on the purchaser to search the land records. Mr. Lethbridge asked that Ms. Sefcik re-read the conditions set by the Commission on the original application. Mr. Lethbridge and Ms. Kasler noted that the timing of the final Mylar maps seemed to have been premature. Ms. Sefcik averred that the Mylars should not normally be generated until final approval.

Mr. Lethbridge asked if the Warren Land Trust was aware of the wording on the maps. Ms. Sefcik stated that Ms. Bates had said that they were. After further consideration by the Commission, Mr. Lethbridge made a **MOTION** to authorize the Chairman to accept and sign the present Mylar Maps, stating that he believed that the intent inhering in the Conditions had been met. Mr. Brodhead **SECONDED** the motion and Chairman Bolte asked for a vote. With the abstention of Ms. Kasler, the rest were in favor. The motion **CARRIED**.

6. CORRESPONDENCE None

7. ZONING ENFORCEMENT OFFICER'S REPORT. No written report [owing to recent illness]. Ms. Sefcik mentioned one ongoing matter of a Cease and Desist Order from the Inland Wetlands Commission at the Star Meduri property on Reed Road.

8. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION None

Respectfully submitted, this 19th Day of January 2016.

A handwritten signature in black ink, appearing to read 'RH', with a horizontal line extending to the right.

Richelle Hodza
Recording Secretary