

**TOWN OF WARREN
PLANNING & ZONING COMMISSION
Regular Meeting Minutes
Tuesday, May 8, 2018 - 7:30PM
Warren Town Hall – 50 Cemetery Road**

Present: Chairman: Bob Bolte **Vice Chairman:** Chris Brodhead **Regular Members:** Susan Bates, Robyn Kasler, John Miller **Zoning Enforcement Officer:** Stacey Sefcik **Secretary:** Heather Perssonatti

PUBLIC HEARINGS:

The hearings opened at 7:33PM. Ms. Sefcik read into the record the legal notice for the public hearing. Regular members present were seated for the meeting. The proceedings were digitally recorded, and copies are available in the Land Use Office.

1. **Richelle Hodza, 236 Brick School Road- Special Exemption per Section 26 of the Town of Warren Zoning Regulations to Operate Home Business (Art Studio with Occasional Small Workshops & Shows).**

Ms. Hodza addressed the Commission and submitted proof of notice to abutting neighbors. She then read a letter that she read at the last meeting, explaining her application. Ms. Hodza proposed operating an art studio at her home where she painted works of art for sale both online and at offsite locations as well as custom pieces. She might also be contracted for portraiture, in which case her clients might occasionally come to her home studio. Additionally, she hoped to occasionally offer art classes to small groups and perhaps host an art critique/show a couple times per year. She noted that she offered her art for sale on her property during the Community Tag Sale last year and intended to do so again in future.

Of the letters she sent to abutting neighbors, two came back since the neighbors live in NY & FL this time of year. Ms. Hodza said that Palma Vitale called her and asked her questions about what she wanted to do. Palma told her that she was perfectly fine with this. Ms. Hodza also stated she spoke with commission member Robyn Kasler, and that Robyn was ok with it as well. Ms. Kasler offered to recuse herself from the meeting if people felt it was necessary; however, doing so would lead to a lack of quorum. Ms. Sefcik called a brief break to confer with the Town Clerk regarding this procedural issue.

At 8:00PM, the meeting was back on record and Ms. Sefcik asked Robyn Kasler if she stayed seated if she could listen and vote in an objective way. Robyn Kasler stated that she could stay seated and be objective, that she has no financial gain or benefit from Ms. Hodza's business. Ms. Hodza then resumed her presentation, explaining that she also sent notice to the Town of Warren received a favorable response from First Selectman Craig Nelson. Ms. Hodza stated she also spoke with Clare Githens, and Mrs. Githens told her that she neglected to put the application in with her letter to them. Ms. Hodza made sure they had a copy of the application the next day. Ms. Hodza stated her neighbor at 203 Brick School also informed her they had no problem with the home business.

Ms. Sefcik informed the Commission about communications she received on this matter. She spoke with Arlene Bergenthal of 19 East Greenwich Road, and she reviewed the application with her. Ms. Sefcik then read a letter aloud from the Mr. and Mrs. Githens, 233 Brick School Road, expressing concern about the timeliness of the written notice from Ms. Hodza. Ms. Sefcik briefly reviewed the requirements of Section 35 for the Commission. Notice is required to be sent out ten days in advance, not received by neighbors ten days in advance; as such, Ms. Hodza was compliant.

At this time, Mr. Bolte opened the hearing to the public; Clare Githens, 233 Brick School Road, wanted to know where the parking will be. Ms. Hodza showed the Commission and Clare Githens maps and pictures of the parking. Mrs. Githens said she is fine with the parking now, but what about winter. Ms. Hodza stated she will have someone plow. Mrs. Githens also asked about ADA standards. Ms. Sefcik said the building official would have to answer that question. Ms. Sefcik asked Ms. Hodza approximately how many people and classes she will have. Ms. Hodza stated she could have 5 people at each class and maybe 6 classes a year with no more than 2 shows a year attended by perhaps as many as 30 people. George Githens, 233 Brick School Road, then addressed the board. He said this application is ill-defined. He questioned state regulations, parking, health and safety, and fire. He also stated the Commission doesn't have enough information and feels they need more time to make a decision. He ended by saying he thinks by approving this it will only lead to problems in the future. Ms. Sefcik reviewed with Ms. Hodza the home business regulations in Section 26 and the general special exception requirements in Section 22. Ms. Hodza's application complied with each one.

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David Schneiderbeck of 335 Brick School Road stated he strongly encourages a home business about art. He also stated there shouldn't be any limitations on the number of students.

Hearing no further comments, Mr. Bolte closed the hearing at 8:25 PM.

REGULAR MEETING:

1. CALL TO ORDER AND DESIGNATION OF ALTERNATES.

The regular meeting was called to order at 8:25 PM. Regular members present were seated for the meeting. The proceedings were digitally recorded, and copies are available in the Land Use Office.

2. OPPORTUNITY FOR PUBLIC COMMENT.

Blake Levitt addressed the board stating she was on the Warren Zoning board, knows cell tower regulations well and has been a consultant for many municipalities all over the state. She offered to sit with the board or help if they should need it.

3. APPROVAL OF MINUTES:

A. April 10, 2018 Regular Meeting.

MOTION: Susan Bates, second John Miller to approve the April 10, 2018 Regular Meeting **minutes; unanimously approved.**

4. OLD BUSINESS:

A. **Richelle Hodza, 236 Brick School Road- Special Exemption per Section 26 of the Town of Warren Zoning Regulations to Operate Home Business (Art Studio with Occasional Small Workshops & Shows).**

Ms. Bates stated that she saw private school listed somewhere on the application. Ms. Sefcik explained that it was referenced in Ms. Hodza's submitted materials. Mr. Brodhead stated this home business is less obtrusive than other businesses in town, and did not feel any specific conditions limiting number of classes, shows, or visitors were necessary. Ms. Bates wished to include these limitations in any approval, particularly since Ms. Hodza indicated she was amenable to such a condition. Ms. Kasler noted that Ms. Hodza works another fulltime job, so this enterprise would be part-time in nature. Mr. Brodhead reiterated his opinion that there should not be any limitations. Mr. Bolte left the table from 8:37 to 8:42.

First Selectman Craig Nelson joined the board in his capacity as ex officio member. Mr. Nelson reiterated the importance of home businesses to the economy of the Town, and he said that excessive restrictions would be detrimental to the Town. He reminded the Commission that Eric Sloane and other well-known artists had once lived in and operated from the Town. He would hate to see the Commission discourage home businesses. Ms. Bates stated that people move to residential areas for a reason, and we currently have many small businesses operating with no restrictions. Mr. Brodhead stated that applications that adhere to the requirements of Section 26 are meeting restrictions.

Motion: Chris Brodhead, second John Miller to **approve** application.

IN FAVOR: Mr. Brodhead, Mr. Miller, and Ms. Kasler

OPPOSED: Ms. Bates, Mr. Bolte.

ABSTENTIONS: None

The motion to approve the application carried.

5. NEW BUSINESS:

A. **Homeland Towers on Behalf of Town of Warren Board of Selectman= Sec 24 Referral- Lease of Town- Owned Property Located at 50 Cemetery Road (Assessor's Map 23 Lot 10) and/or Carter Road (Assessor's Map 27 Lot 20) for location of Cell Phone Tower and Associated Equipment.**

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Ms. Sefcik explained to the Commission that they were reviewing this matter in their planning capacity. She read Section 8-24 of the Connecticut General Statutes to the Commission. She explained that the purpose of the review was only to evaluate whether the lease of a portion of Town-owned property for the purpose of locating a cell tower conformed with the 2009 Plan of Conservation and Development (POCD). The Commission was not hearing an application for the installation of a cell tower; if this lease were to go forward, the project would be submitted to the Connecticut Siting Council for their review and approval. While the Commission would have an opportunity to comment on such an application, there would not be an application to the Town's P&Z.

Ms. Sefcik explained that, after the 8-24 review tonight, the proposal to lease the property would then be the subject of a Town Meeting. The Board of Selectmen is required to obtain the input of the P&Z regarding conformance to the POCD and reference it at the Town Meeting. Tonight, the Commission could make a favorable finding that the project conforms to the POCD, an unfavorable finding that it does not, or condition their favorable finding on recommendations that they would like the BOS to consider. However, regardless of the Commission's finding, the BOS could still move forward with the Town Meeting on this lease and even enter into the lease agreement.

Ray Burgotti from Homeland Towers started his presentation by explaining the two possible sites for the cell tower. Town-owned properties at 50 Cemetery Road and the end of Laurel Mountain Road are being considered. He explained the maps for each location. Mr. Burgotti stated there would no charge for town to put their equipment on tower for emergency services. He said that they are unsure of the exact design or height as of now, given that this information would not be available until a carrier contracted with them to use the tower, at which point application would be made to the Siting Council, and extensive testing and engineering studies would be conducted to determine the optimal height. He noted that an application to build the tower could not be made to the Siting Council until a carrier was contracted.

Mr. Brodhead asked if the town has a say in the design. Mr. Burgotti stated the town would have a say when it gets to the CT Siting Council. He noted that the Town had greater input into the design of the tower as the lease-holder for the cell tower site than it would if an application was being made to the Siting Council for a tower on a citizen's private property. Mr. Burgotti also said the tower is a lifesaver and critical need for the town. Mr. Brodhead said that it is very difficult to visualize the tower given that they are not exactly sure how high it will be. Mr. Brodhead asked if they looked at pushing the towers back further from property lines. Mr. Burgotti said he walked the sites with Mr. Nelson. He stated the tower can't be put on steep slopes, and they did not want to encroach on wetlands on either property. He felt that the sites referenced were the most appropriate spots. Ms. Sefcik mentioned pages 56 & 57 of the POCD, which stated a desire to "Seek ways to enhance local wireless communications coverage in ways appropriate to Warren's rural character." Mr. Brodhead stated part of the POCD's purpose is to maintain rural aesthetics. Mr. Brodhead stated he wanted more time to read the Plan of Conservation and Development further, and that he is not ready to make any decisions at his time. Ms. Sefcik explained that, according to statute, if the Commission does not vote on the matter within 35 days, it is to be considered a favorable review.

Motion: Mr. Miller, second Ms. Kasler to issue a favorable recommendation to the Board of Selectmen.

IN FAVOR:	Mr. Miller, Ms. Kasler.
OPPOSED:	Ms. Bates, Mr. Bolte, Mr. Brodhead,
ABSTENTIONS:	None.

The Motion failed to pass.

Mr. Brodhead stated he would like to table this until the next meeting so he can review information and walk the sites. Ms. Sefcik stated the next meeting will be June 12, 2018 which is exactly 35 days.

Motion: Mr. Brodhead, second Ms. Bates to table until the next meeting on June 12, 2018.

IN FAVOR: Ms. Bates, Mr. Bolte, Mr. Brodhead.
OPPOSED: Mr. Miller, Ms. Kasler.,
ABSTENTIONS: None.

The motion to table this matter to the June 12, 2018 regular meeting carried.

6. CORRESPONDENCE:
None.

7. ZONING ENFORCEMENT OFFICER'S REPORT:

Ms. Sefcik is compiling the final draft of the zoning regulations for the upcoming public hearing on text amendments, and it is taking a considerable amount of time. She said some will be coming down the pike to the Commission. Ms. Sefcik has also done site inspections with Sean Hayden to check on E&S controls after the significant rainstorm a few weeks ago. She stated that 4 & 12 Cornwall Road had recently been purchased by a new investor, and she also reported that the Mountain Lake Bible Camp was recently sold, to a new religious organization, and had asked for her input regarding the permitted use of the property. They expressed their intention to be not just good but "great" neighbors.

8. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

A. Update from Plan of Conservation and Development Subcommittee.

Ms. Sefcik stated the subcommittee has set a schedule of meetings and topics for each meeting,. Ms. Sefcik also stated that Glenn Chalder from Planimetrics will be conducting a community issues forum for the Town in the fall to get residents' input regarding important issues to include in the upcoming plan.

B. Discussion and Possible Action Regarding Zoning Text Amendments (Including But Not Limited to Definitions, Single Family Residence, Use Charts, Contractor Shop & Storage.)
This was tabled.

C. Election of Officers.

Mr. Bolte requested this be added to the agenda, but several present expressed a desire to have more members present for this action. The Commission requested this be added to the agenda of the June 12, 2018 meeting.

10. ADJOURNMENT:

Motion: Mr. Brodhead, second Ms. Kasler to adjourn the meeting at 9:50 PM. **unanimously approved.**

Respectfully submitted,

Heather Perssonatti
Secretary