

Town of Warren
Planning & Zoning Commission
PUBLIC HEARING - Regular Meeting – Minutes
Tuesday, September 11, 2018 – 7:30PM
Warren Town Hall – 50 Cemetery Road

Present: Chairman: Susan Bates – **Vice Chairman:** Christoffer Brodhead - **Regular Members:** Bob Bolte, Kelly Tobin, Robyn Kasler, Howard Lethbridge, John Miller – **Alternate:** John Papp - **Zoning Enforcement Officer:** Stacey Sefcik -
Land Use Secretary: Brenda Zampaglione
Excused: NONE **Absent:** Brian Coyle, Philip Good

1. CALL TO ORDER AND DESIGNATION OF ALTERNATES.

- a. The **PUBLIC HEARING** was called to order at 7:32 PM. All regular members present were seated for the meeting. Alternate John Papp was seated for Regular Member, Phil Good. The proceedings were recorded digitally, and copies are available in the Land Use Office.

PUBLIC HEARING

The hearings opened at 7:30 PM. 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. **Arthur Howland & Associates for Barbara Johnson, Trustee, 10 North Shore Road** – Special Exceptions Per Sections 14.2.1-F and 14.3 to Construct Patio Larger than 100 Square Feet and Single Family Dwelling within the Shoreline Setback Area.
2. The Legal Notice was read into the record by Ms. Sefcik. Ms. Sefcik also noted that she received one emailed letter from **Gail and Edgar Berner – 6 North Shore Road**. The letter received from the Berner's was read into the record by Ms. Sefcik and forwarded via email to Mr. Szymanski earlier today, who is representing Barbara Johnson of 10 North Shore Road. Mr. Szymanski briefly reviewed the application and plans with the Commission.

Ms. Bates then opened the meeting for Public Comment.

Heather Allen – 96 North Shore Road, questioned the Commission as to what is in the 50' to 100' Shoreline Setback Area. Mr. Szymanski provided site maps of various types and explained to Ms. Allen, exactly what would be done in the Shoreline Setback Area. The Patio is more than 100' and requires a Special Exception permit. Ms. Sefcik read into the record, the pertinent regulations from Section 16. Mr. Szymanski reminded the Commission that the Garage is not proposed at this time. Ms. Allen was concerned about water run-off into the lake. Mr. Szymanski went into great detail to explain the Raingardens that will be located on the property (5) and that it is flood-plain compliant and in addition, there will be erosion control improvements done. Vegetated buffers will be added, the lawn size will be decreased to further reduce lake water run-off. The requirements for Vegetation in Section 16.3 were read into the record by Ms. Sefcik for the Commission and Ms. Allen. The driveway and the house are going to be above the 100 year flood-plain elevation and Mr. Szymanski further explained that the storm water treatment exceeds and is in full compliance of Special Exception criteria. Mr. Szymanski presented the Commission with a detailed Cuts & Fills Map and a Landscaping Map. The Common Driveway will be gravel and was mapped and explained as well. Precautions for construction traffic was discussed and explained that construction vehicles will be kept on the property but not in the driveway; any damage to the Common Driveway, such as potholes made by construction vehicles, will be filled by the Owners. Ms. Allen then requested a Tree Removal Site Map (copy of the map is available in the Land Use Office) as she is concerned at how many trees will be removed and replaced. Mr. Szymanski will provide a complete summary for the Commission's perusal. Ms. Sefcik requested that a copy of the TAHD approval was needed and the Floor Plans need to be corrected to show that there will not be a Garage. Mr. Szymanski will rectify both issues for the Commission.

Ms. Allen implored the Commission to consider the non-conformity to Special Exceptions and to NOT APPROVE this request until it is in more accord with the criteria of the Shoreline Setback Regulation. Mr. Szymanski requested leaving the Public Hearing Open until October 9, 2018 meeting.

MOTION: Ms. Tobin, second Mr. Bolte motioned to **CONTINUE** the **PUBLIC HEARING** until **October 9, 2018**.

APPROVED: Robyn Kasler, Kelly Tobin, Chris Brodhead, Susan Bates, Howard Lethbridge, Bob Bolte

OPPOSED: John Miller

ABSTENTIONS: NONE

MOTION CARRIED

REGULAR MEETING

1. CALL TO ORDER

- a. The **Regular Meeting** was called to order at 8:07 PM immediately after the Public Hearing. All regular members present were seated for the meeting. The proceedings were recorded digitally, and copies are available in the Land Use Office.

2. OPPORTUNITY FOR PUBLIC COMMENT

- a. None

3. APPROVAL OF MINUTES:

- a. August 14, 2018 Special Meeting.

MOTION: Mr. Lethbridge, second Mr. Miller to **APPROVE** the August 14, 2018 **SPECIAL** Meeting **minutes**;

APPROVED: UNANIMOUSLY **ABSTENTIONS:** NONE

MOTION CARRIED.

4. OLD BUSINESS:

- a. **Arthur Howland & Associates for Barbara Johnson, Trustee, 10 North Shore Road** – Special Exceptions Per Sections 14.2.1-F and 14.3 to Construct Patio Larger than 100 Square Feet and Single Family Dwelling within the Shoreline Setback Area. **The Commission TABLED this discussion until October 9, 2018 meeting.**
- b. **Arthur Howland & Associates, PC** – Petition to Amend Section 14.3 of the Town of Warren Zoning Regulations Pertaining to Permitting Detached Garages in the Shoreline Setback Area by Special Exception. *(Public hearing scheduled for October 9, 2018).* **The Commission TABLED this discussion until October 9, 2018 meeting.**

5. NEW BUSINESS:

- a. **Brian Neff, PE for Haley Built Homes, LLC for Douglas & Laura Brown, 35 Arrow Point Road** – Zoning Permit #18-19 to Tear Down & Rebuild Single Family Dwelling.

Mr. Neff presented a site plan of the proposed 2 story House with an attached Garage to the Commission. Mr. Neff explained that the septic would be in the same area and it meets all set back and height requirements. Mr. Neff gave Ms. Sefcik a copy of the Elevation Plan. The area is outside the Wetlands and there is approval from TAHD on file. The definition of Impervious Lots was read into the record by Ms. Sefcik. Per Ms. Sefcik, ZEO has no issues. Ms. Sefcik would require an **AS BUILT** to insure compliance with the setback.

MOTION: Mr. Brodhead, second Mr. Bolte to **APPROVE** the application with the exception that the Commission requires an **AS BUILT** to insure compliance with the setback.

APPROVED: UNANIMOUSLY **ABSTENTIONS:** NONE

MOTION CARRIED

- b. **Arthur Howland & Associates for Barbara Johnson, Trustee, 10 North Shore Road** – Zoning Permit #18-18 to Tear Down & Rebuild Single Family Dwelling, Construct In-Ground Pool & Pool House, and Relocate Driveway

Continued until October 9, 2018 PUBLIC HEARING

- c. **Homeland Towers on Behalf of Town of Warren Board of Selectmen** –§8-24 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

A revised plan was received and distributed to the Commission. The plan was revised to relocate the proposed Tower 500' to 800' feet from the property line on Laurel Mountain Road, being an equal distance from Carter Road to Laurel Mountain Road. **HOMELAND TOWERS could not attend this meeting. The Commission TABLED the discussion until October 9, 2018 meeting.**

6. CORRESPONDENCE

- a. Ms. Sefcik reviewed a letter from the Town of Washington regarding 47 Rabbit Hill Road which she noted that there were two "47 Rabbit Hill Roads", one in each town of Washington and Warren. A Special Permit Application was submitted for Shop & Storage Use by Contractors and Building Tradesmen for 47 Rabbit Hill Road. The Applicant will continue to operate their contracting business from the existing barn located on the property as they have done since 1994 (Stuart Tracy). It is within 500' of the town line and as such the Commission is being notified of this application that Washington received for Public Hearing and Commentary. Town of Washington is providing plans of the proposal for the Commission's perusal. Planning and Zoning can comment on this application if they have any concerns. None were voiced by the Commission.

7. ZONING ENFORCEMENT OFFICER'S REPORT

- a. Ms. Sefcik summarized for the Commission that she had received several applications for Sheds and Pools in the last month which were processed by the Land Use Office.

8. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION

- a. **Informal Discussion** with Attorney Bob Fisher Regarding Open Space Requirements Related to Possible Subdivision of 387 Lake Road

Attorney Fisher presented a survey of 387 Lake Road for the Commission. This property is currently not compliant in so far as two Single Family Dwellings are present on the property. To make it compliant there will be a need to divide the property. The proposed plan is to remove 2 cottages (both marked on the map by Attorney Fisher for the Commission) from the property. The creation of 2 separate parcels of land will have The Boulders Main House on one and the Carriage House on the other parcel. A portion of the land at @ 0.87 acre (15%) would be required for Open Space by Subdivision Regulations. There is no place for this area unless it is in the rear of the property. Ms. Jane Lowe, who owned the land before the current owner, kept a "house lot" (381 Lake Road) which constitutes a "free cut". This means that the division of the 5.8 acres into 2 lots, one with The Boulders and the other with the Carriage House requires Sub-division approval. There are NO Wetlands on the site, no proposed development. Attorney Fisher is asking the Commission for their recommendations before moving forward with this plan. Ms. Sefcik read the definition of Open Space for the Commission. The lakefront will remain ancillary with The Boulders property. Mr. Fisher proposed a Declaration of Restriction for the 0.87 acre Open Space requirement. A declaration deed restriction draft will be sent to Attorney Matt Willis by Attorney Fisher. An application will be forthcoming.

- b. **Update from Plan of Conservation & Development Subcommittee**

Discussion was had at the last POCD meeting with the Lake Waramaug Association and the Lake Waramaug Task Force. An item for consideration is Ridgeline Protection. The Task Force has encouraged the POCD Sub-committee have the town consider the lake as an asset to the WHOLE town and not just lake residents. Preservation of the water will benefit the entire town. A desire to incorporate and adopt the Morris Low Impact Sustainable Development and Storm Water Management Design Manual was expressed by the Task Force for the Zoning and Sub-division regulations and Wetlands regulations.

- c. **Discussion of Second Round of Possible Text Amendments – Including But Not Limited to Home-Based Businesses, Conversion of Farm Buildings, Special Events, Short-Term Rentals, Use Table, and Definitions. The Commission discussed and agreed to put forward Amendments to Section 2 Definitions as well as permitting Hotels in Center Zone by Special Exception for Public Hearing at the November 30, 2018 meeting.**

9. ADJOURNMENT.

MOTION: Mr. Bolte, second Mr. Miller to **ADJOURN** the meeting at 8:51 PM;

APPROVED: UNANIMOUSLY ABSTENTIONS: NONE

Respectfully submitted,

Brenda Zampaglione

Brenda Zampaglione

Land Use Secretary