



TOWN OF WARREN
PLANNING & ZONING COMMISSION
50 Cemetery Road
Warren, Connecticut 06754
Public Hearing and Regular Meeting
Lower Level Conference Room
Tuesday, July 13, 2021 at 7:30 pm

Call to Order and Designation of Alternates

Jack Baker, Chairperson, called the meeting to order 7:32 p.m. Present were Mr. Paul Prindle, Alternate Mr. Michael Zimet (seated for Mr. Phil Good), Alternate Ms. Debora Ouellette (seated for Mr. Ryan Curtiss) and Andy Carollo. Absent were Derek Westfall, Victoria Sahadevan Fossland, John Papp, Ruth Schnell, Ryan Curtiss, and Phil Good were absent.

Additions to the Agenda

ZPA # 21-50 by James Ross, Excavator, on behalf of Michael and Shawna Yoxthimer at Map 8, Lot 7, Strawberry Lane.

Mr. Prindle made a MOTION to add Mr. Ross representing application ZPA 21-50, special exception to clear and grade more than 20,000sq ft of land per section 22.1 on Strawberry lane to the agenda. The motion was SECONDED by Mr. Corollo. A vote was held; all in favor. The MOTION CARRIED. Mr. Ross' presentation is added to item 6 (new business) of the agenda.

Ms. Ouellette made a MOTION to add Ms. Hodza's first cut application, 236 Brick School Rd to the agenda, Mr. Prindle SECONDED the motion; a vote was held, all were in favor. The MOTION CARRIED. Ms. Hodza's application is added to item 7 (other business proper) of the agenda.

Public Hearing (Continued)

- a. ZPA #21-28 / Paul Szymanski, P.E., on behalf of the Gally Family Irrevocable Real Estate Trust of 100 Newbury Court, Concord, MA / 39 Arrow Point Road, Assessor's Map 41, Lot 4 / Application for Special Exception and Site Plan Approval to construct a 5-bedroom single family dwelling, detached garage, generator, driveway, patio, subsurface sewage disposal system, grading, drainage, plantings, and other related appurtenances within between 50 and 100 feet from the shoreline of Lake Waramaug (Section 14.3) with significant excavation and grading (Section 22.0). (Date of receipt 5/11/2021, Public Hearing opened 6/8, continued to 7/13. Public hearing must be closed tonight UNLESS applicant agrees to an extension of not more than 65 days. TAHD approvals were received with application; IW Permit was issued with conditions 5/27/2021.)

Ms. Hodza stated she had received correspondence from Mr. Szymanski requesting the public hearing to be tabled until the next meeting. The Chairman read the letter for the record. Mr. Zimet made a MOTION to table the public hearing until August 10th, Mr. Prindle SECONDED the motion; all were in favor the application will be tabled until the next meeting, August 10th, 2021.

Approval of Minutes of June 8, 2021

The Chairman stated that the approval of the June 8, 2021 minutes would be tabled until the next meeting to allow for further review. Mr. Prindle made a MOTION to table the minutes until the following meeting, Mr. Corollo SECONDED the motion, a vote was held; all were in favor. The approval of the minutes will be tabled until the next meeting.

Old Business

- a. ZPA #21-40 / Gary Nurnberger Architect, LLC on behalf of Arrowpoint Road, LLC (Heath L. Watkin, Member) / 6 Arrow Point Road, Assessor's Map 45, Lot 9 / Application for Site Plan Approval for the alteration of a parking area per §29.1.c. (Date of receipt by Land Use Officer 6/7/2021)

Mr. Nuremberg, architect representing the property owners was present to discuss the modification to the application. Mr. Nuremberg stated that the primary purpose of the application for modification to alter the driveway, however the application included a small shed and alterations to the side yard setback. Ms. Hodza stated that she had already approved the shed, this is a modification where an application with a site plan was requested for the driveway specifically. Mr. Nuremberg pointed out that there is 25 feet in length from the shoreline on the side yard and the main difference from last month's meeting is that the site plan has been adapted to an A2 survey done by Mr. Cheney, land surveyor. Mr. Nuremberg stated that 1/10th of an acre was lost in land, as it officially measured at 1.38 acres, a slight adjustment in coverage calculation as initially it was stated at 1.4. Mr. Nuremberg stated that the driveway had shifted 6ft off the property line and is essentially the same shape as previous; measured from the center of the road to turnaround is 183ft, the turnaround is 28ft 4in. in diameter, subtracting the internal circle would make it 22ft. Mr. Nuremberg explained with the parking spaces there is enough room for a second vehicle to come around. Ms. Ouellette asked if the red line showed the old/existing asphalt, Mr. Nuremberg stated that was true. Mr. Zimet asked if the regulation for the driveway radius applies to the circle, Mr. Nuremberg stated that all driveway curves should have a minimum radius of 60ft however he did not believe it applied to this circumstance. Ms. Hodza stated that this is due to the access of emergency vehicles and given the nature of the lot, the drive design and how flat the lot is this may not be applicable. Ms. Hodza stated that the application needs to go to the commission with a site plan because of regulations stating if parking areas change then the application will need to go to the commission and cannot be approved by Ms. Hodza administratively. A discussion was held regarding the space necessary for a fire truck and an ambulance to have access to the drive. Mr. Corollo stated that this modification allows more access based on having experience in the fire department. Ms. Ouellette stated that it appeared to be an improvement, Mr. Nuremberg stated that the pea stone area is greater than it was however it is still within regulations. Mr. Corollo made a MOTION to approve the site plan, Mr. Prindle SECONDED the motion; no further discussion was requested. A vote was held, all were in favor, the site plan was APPROVED.

New Business

- a. 44 Arrow Point Road, Assessor's Map 41, Lot 9 / Jehv Gold for Claire S. Gold / Application for Special Exception to construct a screened porch within between 50 and 100 feet from the shoreline of Lake Waramaug (Section 14.3). (Approved by Inland Wetlands 6/24/21, TAHD approval received. Set Public Hearing for August 10, 2021)

Mr. Gold was present on behalf of his mother Claire Gold, who owns the home at 44 Arrowpoint rd. Mr. Gold stated that the corner closest to the lake is 96ft from the shoreline. The construction is above-ground and no excavation is necessary, two walls will be built which will attach to the existing buildings (the house and the garage). Mr. Gold stated that the roofline will just continue from that of the house and utilize the drainage the house uses currently. Mr. Gold stated that they appeared before the Inland Wetland Commission and were approved. Ms. Hodza asked if they had received approval from Torrington Area Health, Mr. Gold stated that they had. Ms. Hodza asked how many footings needed to be put in, Mr. Gold stated 3 footings would be put in. The Chairman stated that because it is within 100 ft of the shoreline, the regulations state it has to go to a public hearing, however the commission could discuss it now. Ms. Hodza stated that the Inland Wetland Commission asked them to calculate the impervious surface coverage as well. Mr. Gold stated that they were currently at 17% and with the addition of the porch it would be them at 17.4%, and the lot is slightly over an acre. Mr. Gold stated the house was slightly over 2000 sq ft. Ms. Ouellette asked if any excavation needed to be done, Mr. Gold stated that 2 shrubs needed to be removed. Mr. Prindle made a MOTION to accept the application and bring it to a public hearing at the next scheduled meeting August 10th, 2021, Mr. Corollo SECONDED the motion; all were in favor, the MOTION CARRIED. The application will be part of the public hearing on August 10, 2021.

- b. ZPA # 21-50 / James Ross, Excavator for Michael and Shawna Yoxthimer / Map 8, Lot 7, Strawberry Lane / Special Exception to clear and grade more than 20,000 square feet of land per Section 22.1.

Mr. Ross was present on behalf of the property owners. Mr. Ross stated the construction had begun around 10 months ago with not a clear plan of property clearing. Ms. Hodza stated that she had received several complaints and/or letters of concern regarding the property clearing because the regulations state if you are clearing or grading more than 20,000 sq ft. of land an application to the commission is necessary. Ms. Hodza asked if they were planning to grade the land and clear the stumps. Mr. Ross stated they were planning to remove the stumps but not change the grade of the land, he stated that they were clearing about 38,000 sq ft. of land. Mr. Ross stated that they would be seeding the area and planting grass. Mr. Ross stated that he had silt fence up during clearing. Ms. Hodza stated that it was determined that there are no wetlands on the property. Ms. Hodza stated that because it is a special exception, it does have to go to public hearing based on the planning and zoning regulations. Ms. Hodza asked if they were leaving some of the larger trees, Mr. Ross stated that there are several large oaks and maples that they were leaving. Ms. Hodza asked how they were protecting the road, Mr. Ross stated that the truck remains on the road and the brush is brought up to the road. Ms. Ouellette asked if they were clearing up to 12 strawberry, Mr. Ross stated they were not clearing on that property. Ms. Hodza asked how long the work would take, Mr. Ross stated that the client had asked it be

completed this week, but there is still much to do. Mr. Zimet asked how much is cleared already, Mr. Ross stated that all the trees are down, it's a matter of cleaning up. Ms. Hodza stated that its an after the fact application as the work is essentially done as far as tree removal. Mr. Corollo asked what can be done if the public doesn't allow the application to be approved. Mr. Zimet asked if there were areas where stumps hadn't been removed, Mr. Ross stated that there was an area that still needed the stumps removed. Ms. Hodza stated that the commission could follow up with remission regarding replanting of trees etc. Ms. Ouellette asked if there was a concern for protecting the road. Ms. Hodza stated that the slope is such that the property angles downward from the road. Ms. Hodza reiterated that Mr. Ross cannot work on the project in the interim while waiting for the public hearing. Mr. Corollo made a MOTION to accept the application and bring it to public hearing on August 10th, Ms. Ouellette SECONDED the motion, a vote was held; all were in favor. The application will be heard at the next meeting.

Other Business Proper

Ms. Hodza explained that she had an application for a "first-cut" on her own property at 236 Brick School Road. Normally, provided all of the stipulations are met, a first-cut would be granted as-of-right and approved administratively. Since Ms. Hodza is the agent for the Commission, she cannot approve her own application and required the Chairman, after review by the Commission, to sign the approval. Ms. Hodza presented the letter from Attorney Neal White of Cramer & Anderson and deeds showing that the lot existed before 1975. She presented the A-2 survey by Robert Hock, L.S., showing the existing and proposed property lines. Ms. Hodza pointed out the septic system feasibility design, location of the proposed house, and a letter from Torrington Area Health District approving the application. Ms. Ouellette asked where the driveway/access point was. Ms. Hodza pointed out the location of the proposed driveway. Ms. Ouellette made a MOTION to approve the application because all of the required documents were received and were in order. Mr. Zimet SECONDED the motion. A vote was held, all were in favor, the MOTION CARRIED. The Chairman signed the application and would also need to sign the final Mylar when it was printed.

Executive Session

The Chairman stated that the executive session would be moved to the end of the session so that the public who wanted to make a public comment would not have to wait.

Zoning Enforcement Officer's Report

Ms. Hodza read the zoning officer's report for the record. The following permits were issued administratively since the last regular meeting:

- a. ZP# 21-42 / Partridge Rd / 32 / Haut, Lisa / Construction of partially in-ground pool / 6/9/21
- b. ZP# 21-43 / Cunningham / 17 / Asher Dennis LLC (David Schneiderbeck) / Litchfield Hills
- c. Painting and Contracting LLC (Kevin Murphy) / Enlargement and replacement of deck; in ground pool / 6/17/21
- d. ZP# 21-44 / Lake Rd / 369 / Lyons and Gray / A&J Dock Builders LLC / Install dock at shoreline 6/23/2021
- e. ZP# 21-45 / Arrow Point / 35 / Brown, Douglas / Install Generator per Variance granted / 7/1/21
- f. ZP# 21-46 / Woodville Rd / 270 / Mackie, James / Meticulous Property Maintenance LLC / Construction of a garage/workshop 30 x 30 x 15 / 7/1/21
- g. f. ZP# 21-48 / Arrow Point / 6 / Arrowpoint Road LLC (Watkin, Heath) / Gary Nurnberger /

Construction of deck, hot tub with deck, and shed / 7/1/21

- h. ZP# 21-49 / Kent Road / 219 / Warshaw, Cynthia / Construction of above-ground pool / 7/1/21

The following certificates of compliance were issued:

- a. Cornwall Rd / 127 / Cedar Creek Farm LLC (Diwik, David) / Additions to existing house per ZP#20-08 issued by Kathy Castagnetta.

The following enforcement matters continue:

- a. No response to the cease and desist order was received from Niall Simonian of Waramaug Watersports, LLC at 143 North Shore Road. The certified mail was returned unclaimed and no response was received from the property owners Mark Simonian and Sheila Harley, even though the green receipt card was returned by the doorman at their New York City residence. No additional complaints were received.

Correspondence Received

The Northwest Hills Council of Governments is hosting their 5th Thursday of the month informational session to discuss various legislation. This coming event is in person with food etc. to encourage attendance. Other correspondence received from Marty Connor was a document synthesizing the upcoming proposed legislation regarding land regulations, one of them being hybrid meetings. A discussion was held regarding some of the upcoming legislation. Ms. Hodza stated that the upcoming meeting should have it be placed on the agenda to review all the legislation as a commission. The final communication received was an email from Mr. Tammen on June 27, 2021. Ms. Hodza read the email for the record. Ms. Hodza reminded the commission that 53 Curtiss Road had an application approved for a pool house. The neighbors by law if there would be demolition, they would receive a notice. Ms. Hodza stated that there was some concern that they would demolish the entire building however it was understood they were keeping the stone wall. Ms. Hodza confirmed they would be retaining that section of the building.

Opportunity for Public Comment

Mr. Herman Tammen, 50 Curtiss Rd is acknowledged by the Chairman, stated that he had sent an email to the ZEO in December of 2020 regarding the clear cutting at Strawberry Lane. Mr. Tammen stated that congruently there was clear cutting at 152 Curtiss Road, and that on the weekends there was work and loud noises coming from properties. Mr. Tammen stated that there should be a fine involved due to this being a wooded area near the house and delay in the application. Mr. Tammen stated that under the minutes it was requested the letter from the task force be published and that this letter has yet to be published. Mr. Tammen stated that on the first page it seemed to be that Mr. Szymanski had adjusted his plans, he is unsure if this has happened as the information on the website is still from 4/21/21. Mr. Tammen stated that in the ZEO officer report, if violations occur, they should be published on the website to shame the individuals as well as encourage follow up on the issues. He stated that 120 Tanner Hill Road is an example of a bungled case and he would like to know how it was addressed after the violation. Mr. Tammen stated the Town should post this and the responses online. The commission thanked Mr. Tammen for his comments.

The Chairman stated that in the last meeting he had asked that applications be posted online but that they had not been up. Ms. Hodza reiterated the inefficient process by which that occurs and

that Town hall hours are limited. Anyone who wishes to see any of the application materials may come to the Town Hall during regular business hours.

Executive Session

- a. Discussion of a letter with respect to a certain claim regarding a dock at 369 Lake Road from Attorney Gail. E. McTaggart on behalf of Susan Bates of 76 Tanner Hill Road, dated July 7, 2021. Letter was sent via pdf email-attachment at 4:40 PM on Wednesday, July 7, 2021, from Maureen Bliss, Real Estate Paralegal, Secor, Cassidy & McPartland, P.C. of Waterbury. The email was opened by Land Use Officer Richelle Hodza after business hours at and was forwarded at 7:08 PM with the attachment via email to addressees Jack Baker, Chair of Planning and Zoning Commission, and Rick Valine, Chair of the Zoning Board of Appeals at 7:08 PM, as requested by the law firm.

The Chairman adjourned the meeting to executive session. Ms. Hodza stated that the executive session is closed to the public and informed the commission and the public that there are only 5 occasions where executive session is allowed. One of the circumstances is a strategy or negotiation about a pending claim, or pending litigation involving the agency or member. That is the reason for this evening's executive session. If $\frac{2}{3}$ of the Commission members present agree, they can go into executive session. It must be stated for the record that the commission is going into executive session and the discussion during executive session must be limited to the topic presented. Any votes that may be taken need to be done back in public.

Mr. Prindle made a MOTION to go into executive session to discuss the agenda item, Mr. Corolla SECONDED the motion; all were in favor, the MOTION CARRIED.

The public was asked to leave the room. The video and sound recording were turned off at 7:45 p.m. At 9:03, the commission returned to the public session after the executive session. The Chairman stated that the executive session was purely informative, and no votes had been taken.

Adjournment

Mr. Prindle made a MOTION to adjourn, Mr. Zimet SECONDED the motion; all were in favor, the motion carried. The Chairman adjourned the meeting.

Respectfully Submitted,

Melissa Woodward
Recording Secretary
Town of Warren
7/20/21

<https://us06web.zoom.us/rec/share/sAbiV5rMt-6gzWpyxgZEd69MCvEFopz65kvYj-qF66Je8JLhhaUHJB5oIYAj8ppg.DV-CFAhrwGi8nM5>