

TOWN OF WARREN
PLANNING & ZONING COMMISSION

PUBLIC HEARING AND REGULAR MEETING MINUTES

Tuesday, September 8, 2020 – 7:30 p.m.

Warren Woods Town Park

Pavilion Building

255 Brick School Road

CALL TO ORDER & DESIGNATION OF ALTERNATES

At 7:33 Mr. Papp called the meeting to Order. Commission Members Present: Chairman John Papp, Howard Lethbridge, Paul Prindle, and Ryan Curtiss. Jack Baker and Vice Chairman Derek Westfall were excused. Philip Good and Andrew Carollo were absent. Alternates Ruth Schnell for Phil Good and Victoria Sahadevan Fossland for Jack Baker were seated. Staff present were Richelle Hodza, Warren Land Use Officer, and Martin Connor, AICP, Land Use Professional Consultant.

STATEMENT OF THE CHAIRMAN

Mr. Papp stated that several members of the community believed that he has a conflict of interests and thus ought not serve as Chairman of the Commission. Mr. Papp read a statement regarding his profession as a real estate broker in town. The letter dated August 26, 2020 stated that he believed he could remain unbiased through the end of his term as Chairman on December 31, 2020. In order to remove any doubt, he stipulated five ways in which he would obviate potential personal financial gains made from real estate commissions within the Town which may result from his brokerage, the Bella Group, LLC.

Mr. Papp read a second letter refuting hearsay about things he had allegedly said and addressing accusations that he had already made up his mind on the matter before the public hearing.

Mr. Papp addressed a third concern with regard to questions about the composition of the Planning and Zoning Commission itself, Mr. Papp acknowledged that significant changes had occurred. Recently, two chairpersons resigned from their positions and the commission entirely; within the last year, two paid ZEO's quit their jobs. Other members of the commission either resigned or refused to run for another term. Mr. Papp stated that the commission was made up of regular townspeople who volunteered their time and assured the public that it was doing its best to serve, despite the fact that no matter how the commission votes, some portion of the community will be upset. He castigated the public for its slanderous, disrespectful, threatening, and hurtful comments and behavior and called for a return to civility, despite emotions sometimes running high.

PUBLIC HEARING

Mr. Papp stated that he was implementing rules as to how he would conduct the meetings. Some ground rules were that speaking is going to be permitted during public comment and public hearing. The members of the public will conduct themselves in a civil and professional manner. During public comment and the public hearing, will be allotted 2-minute time intervals to speak and everyone will have the opportunity to speak once and when everyone is done with their first time they will have a second time and a third if needed. Everyone will have their time to be heard. Threats, harassment, and disruptions

will not be tolerated. We are going to implement a three-strike rule, where if you interrupt anyone, you will be asked to leave.

In the Matter of:

Paul Szymanski, P.E., for applicant, Sawing High Climbers, LLC, Emma Lozman (Plumb), Member, 69 Davis Road, South Kent, Connecticut Special Exception and Site Plan Applications under Section 24 to allow construction of a 50' x 80' barn to store equipment with office, driveway, well, sanitary system, related grading, and appurtenances on property owned by The Living Trust of Theodore E. Theodorsen and Mary Irene Theodorsen, 56 Old Ox Road, Manhasset, New York located on Kent Road, Map 21, Lot 27 in the North Zone.

Mr. Papp established that the applicant would have the opportunity to present the proposal, the commission would be invited to ask questions, those in favor of the project would be recognized one-by-one to make their comments, followed by anyone opposed to the project. Finally, the applicant will have the opportunity for rebuttal.

Mr. Papp called upon Mr. Szymanski, to speak. Mr. Szymanski stated that both Ms. Emma Lozman Plumb and Mr. Russell Plumb were present. Ms. Plumb read a written statement to the Commission addressing an array of concerns that the public may have and, among other things, avowing her company's sensitivity toward the locality and the environment. [29:30] [Attached].

Mr. Szymanski spoke to the more technical aspects of the application, beginning with the fact that the property fronts State Route 341 and has frontage on Brick School Road; however, no activities are proposed on Brick School road. The property is 39.95 +/- acres in size. The proposed building is 4,000 sq. ft. or 0.23% the size of the lot. Over 95% of the property is going to be completely preserved and untouched; that is, 37.9 acres will be undisturbed. The proposed driveway leads to the building. A small septic system will be installed to address the waste from the bathroom and a well is also proposed. An [outdoor] storage area to store 30 yards of logs will be constructed. Stormwater from the driveway will be handled via a series of drainage basins. Other water will be directed to a rain garden and fully infiltrated. Both the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control and the 2004 Connecticut Stormwater Quality Manual recommendations have been met.

Mr. Szymanski stated that the Regulations permit the use of professional offices by special exception [§24] and outlined the ways in which the development project meets or exceeds the Regulations with regard to area, yard and height requirements [§6]. He detailed the driveway proposal per §9 but asked that the Commission consider reducing from 20 to 16 feet, the width of the driveway to reduce the amount of impervious surface on the property. To make way for emergency vehicles pull-offs for bi-directional passage will be constructed every 300 feet. Mr. Szymanski noted the ways in which §10.6, with regard to stormwater management systems, was met and that the Inland Wetlands & Conservation Commission had approved a permit for the project. He addressed §17.3 Perimeter Buffers, stating that 95% of the property will remain in its existing, natural condition and that the proposed development is centrally located. Mr. Szymanski stated that 6 parking spaces were proposed, including one handicapped-accessible space under §18.1. With regard to §24 addressing special exceptions to construct the barn/office for warehouse and professional use, Mr. Szymanski stated that Mrs. Plumb had already noted that Mr. Plumb is a certified arborist. As to Regulations governing special exception applications [§35], Mr. Szymanski enumerated the ways in which the proposal meets them, focusing on General Criteria §31.5, adding that Torrington Area Health District (TAHD) had approved the plans for a well and septic system. Section 32 addressing erosion and sediment controls had been detailed in the application and on the plans and as already noted,

approved by Warren's IWCC. Mr. Szymanski noted that lighting had been addressed according to §10 Environmental Performance Standards, He added that trash will be collected and stored within the building itself so as not to attract animals.

With regard to a business sign [§19.4], the applicant requests a waiver until and the zoning permit is approved, when a separate application would be made. We added a vicinity map as requested. We noted that hours of operation [§22.12] will be from 7:30 a.m. to 5:00 p.m.

Mr. Szymanski concluded his presentation by offering to answer questions. [40:57]

Mr. Papp asked each member of the commission if they had any questions. Mr. Lethbridge did not. Mr. Curtiss did not. Mr. Prindle did not. Dr. Sahadevan Fossland did not. Ms. Schnell did not.

Mr. Papp stated that he had several. He noted that Mr. Szymanski, while addressing the ways in which his proposal meets the regulations, had skipped §24.1, which necessarily refers to specific definitions of "manufacturing," "professional offices," and "warehouses" listed in the Regulations. He asked Mr. Szymanski what definition his clients' business falls under. Mr. Szymanski said that he regarded the business activities of his clients as a profession similar to those listed in the definition of "professional office," because Mr. Plumb is a licensed arborist and he referred to an undated letter from his clients submitted in February or March regarding same. Ms. Hodza noted that the letter on Sawing High Climbers LLC letterhead, received on February 2, 2020, was in the file.

Mr. Papp referred Mr. Szymanski to the definition in the Regulations for Contractor Shop & Storage, which specifically names "arborists, and similar occupations," and asked if Mr. Szymanski if he did not think that his clients' business falls under this definition. Mr. Szymanski stated that it falls under that category as well. Mr. Papp noted that the Regulations provide a clear definition of the differences between "Contractor Shop and Storage" and "Professional Office," and that specific professions were listed under Professional Office that did not include arborists. Mr. Papp asked if the applicants are in the business of warehousing. Mr. Szymanski said that it was not a warehousing business, returning to the Professional Office definition, highlighting the phrase, "other similar professions that, with or without staff, are qualified to perform services of a professional nature."

Mr. Papp stated that he believed that had the Commission intended to include "arborists" under "Professional Office" it, would it not have done so, since it had specifically named "arborists" under "Contractor Shop and Storage." Mr. Szymanski believed that the list was not all-inclusive.

Mr. Papp stated that the application was incomplete because it was for the proposed construction of the 50 x 80-foot building. It did not include the stockpiling of materials, even though outdoor storage space is provided for 30 cubic yards of logs and it did not include a special exception for specific uses.

Mr. Szymanski responded saying that technically, the application does not include the business use or the stockpiling of materials; but that these things were detailed in a letter of response dated April 11, 2020 to Ms. Castagnetta's review of the application.

Mr. Papp stated that the Commission had voted on an approved a motion requiring that all applications be complete when submitted and Mr. Papp reiterated that he considered the application to be incomplete. Mr. Papp had no further questions or comments.

[49:27] Ms. Hodza was asked to read the names and general contents of the letters received in opposition to, and in favor of, the application. These letters are available for review from the Land Use Office.

Letters received in opposition to the project:

- 9/8/2020 Warren Resident Cynthia Jenkins 111 Kent Road. Opposed.
- 9/8/2020 Warren Resident Waltraud Tammen. Opposed.
- Warren Residents Ellen and Jack Baron, 187 Kent Road, letters opposed, dated and undated.
- Warren Residents Celia and Leonard Ucciardo, multiple letters opposed, dated and undated.
- 9/08/2020 Warren Resident Larry McChesney, Sacket Hill Road, opposed.
- 9/8/2020 Warren Resident Karen Shaw. 32 Birch Drive, opposed.
- 9/8/2020 Warren Residents Paul and Christina Salmon, 27 Sunset Lake Road, opposed.
- 9/8/2020 Warren Resident Peter Willcox, 71 Brick School Road, opposed.
- 9/8/2020 Warren Resident Regan Kilkenny, 258 Kent Road, opposed.
- 9/8/2020 Warren Resident John Morton, 170 Brick School Road, opposed.
- 9/7/2020 Warren Resident Robert Grant and on behalf of his wife, 10 Partridge Road, opposed.
- 9/7/2020 Warren Resident Eric Schoenfeld, 237 Brick School Road, opposed.
- 9/7/2020 Warren Resident Ruth Swartzfager, opposed.
- 9/7/2020 Warren Resident Adil Mulla, 164 Melius Road, opposed.
- 9/5/2020 Warren Resident Henk Delmeyer, 220 Kent Road, opposed.
- 9/1/2020 Warren Resident Trisha Yukawa, Brick School Road, opposing.
- 9/7/2020 Atty Jonathan Meter on behalf of Warren Resident Ellen Baron, 187 Kent Road, opposed.
- Warren Residents Elizabeth Franz and Christopher Pelham, 203 Brick School Road, opposed.

Letters received in favor of the project:

- 9/8/2020 Warren Resident Karen Anderson, 61 Above All Road, in favor.
- 8/3/2020 South Kent Resident William Arnold, 71 Jennings Road, in favor.
- 8/3/2020 Dennis Kelly, in favor.
- Bridgewater Resident Nancy Evans, 66 Skyline Ridge, in favor.
- Undated. Warren Resident Jessica Varley, Cunningham Road, in favor.
- 7/28/2020 South Kent Residents Joseph Dwyer and Cynthia Steele, 75 Davis Road, in favor.

The public was then invited to speak in favor of the application.

- South Kent Resident Joseph Dwyer, 75 Davis Road.
- Kent Resident, Jim Rundall, Kent Resident, 27 Botsford Road.
- Warren Resident Jane Guttridge, 24 City Road, Warren, earlier opposed, now in favor.
- Litchfield Resident Don Kozar, employee of Sawing High Climbers, in favor.
- Warren Resident Brad Johnson, 8 Laurel Mountain Road Extension, in favor.
- Bridgewater Resident Nancy Evans, client of applicants, in favor.
- Warren Resident Rosemary Sarsfield, 144 Angevine Road, in favor.
- Warren Resident, Mr. Tanner, 21 Woodville Road, had concerns about the ash borer beetles, in favor.
- Warren Resident Stephanie Kubisek, 28 Partridge Road, in favor.
- Warren Resident Marion Stewart, 5 Birch Drive, in favor.
- Warren Resident Henk Delmeyer, 220 Kent Road, formerly opposed, now in favor.
- Warren Resident Robin Fleet, 202 Kent Road, in favor.
- South Kent Resident Melinda Kelly, clients of the applicant, in favor.
- Warren Resident Chris Brodhead, 158 Above All Road, in favor.

Mr. Papp found no one else wishing to speak in favor of the application.

Ms. Hodza read the letter found on the Commission's desk immediately preceding the meeting from Attorney Meter, representing Ms. Baron, in opposition.

Those opposed were invited to speak. [2:42:10]

- Warren Resident Carol Haxo, 191 Melius Road was recognized by the Chairman. She stated that she was neither opposed nor in favor of the application, but read a statement regarding the history, purpose, and function of the Zoning Commission.
- Adrian Wonerowski 6 Partridge Road, on behalf of his father, opposed.
- Debbie Ouelette, 11 Brick School Road, Warren.
- Cynthia Warshaw 219 Kent Road, opposed.
- Cynthia Shook, Brick School Road.
- Hermann Tammen, 50 Curtiss Road, opposed
- Joanna Seitz, South Kent, Connecticut, opposed.
- Letter by Whitney Gianelli, Area Realtor, opposed.
- Celia Ucciardo, Brick School Road, opposed.
- Wiltraud Tammen, 50 Curtiss Road, opposed.
- Ellen Baron, 187 Kent Road, opposed.
- Bob Brown, Cohen Agency Real Estate Agent in Torrington, opposed.
- Letter from Mairead O'Sullivan, Real Estate Agent in Greenwich, CT, opposed.
- Mr. Tammen spoke again. He had thirty-six questions for the Commission and the applicants.
- A petition was submitted with over thirty names on it; Ms. Hodza noted that it included many of the same names of people who had already spoken or submitted letters.

Mr. Papp offered time for the applicants to rebut.

Mr. Szymanski requested a continuance of the Public Hearing in order to review the letters submitted this evening. He addressed certain comments immediately, stating that there will be no chipper on site, and anything heard or said to the contrary is "patently false". Existing vegetative buffers will remain on the site and Mr. Szymanski had asked neighboring properties to take pictures of any of the enormous amount of flags on the site if they could be seen from their property and if so, the applicant would provide additional screening, but no photos had yet been received. With respect to the letter sent at 10:15 last night, Mr. Szymanski said he will review and respond. Mr. Szymanski stressed that the 4,000 square foot building is proposed on a property that is 1.7 million square feet in size, while directly to the east, the Barons have two outbuildings 5,848 plus 2,052 square feet in size, so those two buildings themselves are double the size, not including the house, so he believes it is in accordance with the character of the area. Mr. Szymanski addressed other comments, including about the kinds of trucks the applicant currently owns, and which were brought to Warren Woods this evening. He also addressed a number of other concerns, including, among others a statement by certain realtors that this is a quiet residential street; however, Mr. Szymanski said, this is a state highway, it has thousands of cars and trucks on it every day. Concerns over pollution needed to be measurable and could not be addressed without facts. Mr. Szymanski said he would respond more fully once he has had a chance to review all of the testimony.

Mr. Papp asked if the applicants had anything more to add. They did not. He then asked whether the Commission members had anything else to add and called each one by name. No one had a question. Mr. Papp had a few for confirmation. He asked the applicants if they owned cranes or logging trucks. Mr. Plumb said they did not. Mr. Papp asked about the [emerald] ash borer beetle, which was a concern of

some residents, even though he acknowledged that it was not a zoning issue. Mr. Plumb said that it is so prevalent that many of us are burning firewood that contains the beetle.

Dr. Sahadevan Fossland asked if a second site walk could be held, since few of the present members of the commission had been able to attend the last one.

Mr. Martin Connor, land use consultant, spoke about protocol. A site walk could be taken, but it must be a published, legally noticed Special Meeting, following all the rules that guide such site walks. At the next public hearing, the Commission members who went on the site walk would report to the Commission what their observation were.

Dr. Sahadevan Fossland made a MOTION to CONTINUE the public hearing to the next regularly scheduled meeting of Tuesday, October 13th; SECOND by Mr. Lethbridge, all were in favor; the MOTION PASSED.

Dr. Sahadevan Fossland made a MOTION to have the Commission take another site walk, SECOND, Ms. Schnell. All were in favor. The MOTION CARRIED. The date would be arranged, and the special meeting noticed on the Town's website in accordance with the Statutes and Executive Order 71.19.c.

Dr. Sahadevan Fossland made a MOTION to APPROVE the MINUTES of the Regular Minutes of July 14, 2020, Mr. Lethbridge SECONDED. The minutes were APPROVED.

Mr. Lethbridge made a MOTION to APPROVE the MINUTES of the Special Meeting of August 25, 2020. Special Meeting, Dr. Sahadevan Fossland SECONDED.

OLD BUSINESS – None

NEW BUSINESS

2020-09-1-ZA / James Newton / 64 Sackett Hill Road (Map 18, Lot 3) / Construction of a single-family dwelling, septic, driveway, and pool

Mr. Lethbridge asked if the plans meet all of the Regulations. Mr. Connor and Ms. Hodza said that they had reviewed the plans and the application for the single-family dwelling and had conducted a site walk with the owner and his engineer in connection with the now approved Wetlands application. Torrington Area Health District had also approved the sanitary system and well. Dr. Sahadevan Fossland sought additional assurances from the land use professionals present.

MOTION to APPROVE by Mr. Lethbridge as submitted, Mr. Prindle SECONDED; all were in favor, the MOTION CARRIED.

ZONING ENFORCEMENT OFFICER REPORT

Attached, Dated 9/4/2020

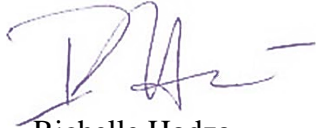
CORRESPONDENCE - None

OPPORTUNITY FOR PUBLIC COMMENT – None

ADJOURNMENT

MOTION by Mr. Lethbridge to ADJOURN to the next regular meeting. Mr. Prindle SECONDED. The meeting and public hearing are adjourned until Tuesday, October 13, 2020.

Respectfully Submitted,

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

Richelle Hodza
Zoning Enforcement Officer Town of Warren
9/24/2020 12:37 pm

The recording can be found here:

<https://www.dropbox.com/home/Town%20of%20Warren%20Team%20Folder?preview=PZC+09-08-2020+Pub+Hear+%26+Reg+Mtg+mp3.mp3>