

Town of Warren
Planning & Zoning Commission
PUBLIC HEARING – SPECIAL MEETING MINUTES
Monday, February 25, 2019 – 7:00 PM
Warren Town Hall – 50 Cemetery Road

Present: Chairwoman: Susan Bates; **Vice Chairman:** Christoffer Brodhead; **Regular Members:** Howard Lethbridge, John Papp, Bob Bolte, Philip Good, Adam Crane
Zoning Enforcement Officer: Stacey Sefcik
Land Use Secretary: Brenda Zampaglione
Excused: Paul Prindle, Ruth Schnell; **Absent:** Brian Coyle, John Miller

1. CALL TO ORDER AND DESIGNATION OF ALTERNATES

- a. The **PUBLIC HEARING** was called to order at 7:36 PM. All regular members were seated for the meeting. The proceedings were recorded digitally, and copies are available in the Land Use office.

CONTINUED PUBLIC HEARING

1. **Linda Heard, 35 Kent Road** – Special Exception per Section 23 of the Town of Warren Zoning Regulations for Home-Based Business (Antique Shop).

Robert Fisher, Esq. of Cramer & Anderson, LLP representing on behalf of Linda Heard, 35 Kent Road. Mr. Fisher stated that he believes that the application for 35 Kent Road for the Home Based business appears to satisfy all requirements of Section 23. Ms. Heard has agreed to limit customers coming to the building and limiting hours to appointment only, 7 days per week. This will be a retail business, not a store and by appointment only, it falls within the definition of a Home-Based business under Section 23. Parking will be in the existing driveway with space for approximately 3 cars. Per Ms. Heard, there will probably be only one car at the shop at a time. Per the DOT, Ms. Heard was told that she had two driveway “cuts”. The area on 35 Kent Road that was proposed for parking during a Site Walk on January 12, 2019 has been abandoned by Ms. Heard. Chairwoman Bates asked Ms. Heard if she would be amenable to setting specific hours and also questioned delivery trucks entering the property. Ms. Heard explained that appointments can be made during the week within limited hours of 10:00 AM – 5:00 PM, and once every 6 months maybe there would be an appointment made in off hours. Ms. Bates then explained that the Special Exception permit goes with the land so subsequent owners of the property would have possession of the Special Permit. Section 23 was then ruminated by the Commission regarding conformity and the general nature of the abutting properties in which neighbors reside and rural quality. Signage was brought up, only for use in retail business. Ms. Heard is cognizant of the placement of signage and safety concerns by abutting neighbors. The sign will be removed when the Antique Shop is not open. Per Ms. Sefcik, signage will come under review by the Planning and Zoning Commission. Regulation 19.2.1 regarding signs was read into the record for the Commissioner’s by Ms. Sefcik. Per Attorney Fisher, there is no evidence of a demonstrable impact on neighbors; the size, intensity and layout of the property; design structure is compatible, no historic changes to the structure. The proposed use will not pose a hazard and create a miniscule amount of traffic and therefore will have no impact on neighbors.

John Meeker, 43 Kent Road – Expressed concern over the safety issue of cars backing out of 35 Kent Road onto Route 341. In addition, concern was also expressed over who will oversee enforcement of two to three clients per visit? Attorney Fisher replied that there are limited spaces for parking, which will limit the number of cars. Given the size of the site and the existing driveway, there will be no excessive amount of cars or traffic. Per Ms. Heard, she has observed all of her neighbors backing out of their driveways onto Route 341 and believes that this is not a safety issue. Attorney Fisher further stated that the Planning & Zoning Commission for the Town of Warren would be in charge of enforcement.

Sean Hayden, Lake Waramaug Task Force - questioned the Commissioner’s on whether a time restriction could be put on the Special Exception permit. For instance, grant the permit with the modification that the application would be re-visited in, say, 3 – 5 years. ZEO, Ms. Sefcik will check with Attorney Willis regarding this to see if it is applicable. Per Attorney Fisher, special exceptions are permanent, but restrictions can be added and imposed.

Chairwoman Bates closed the **PUBLIC HEARING** at 8:15PM

- b. The **PUBLIC HEARING** was called to order at 8:16 PM. All regular members were seated for the meeting. The proceedings were recorded digitally, and copies are available in the Land Use office.

2. Arthur Howland & Associates – Paul Syzmanski 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 (New Application with Completely Revised Plans) – TABLED TO FEBRUARY 12TH DUE TO IMPROPER NOTICING.

ZEO, Ms. Sefcik received all return receipts for noticing of abutting neighbors for dates of 2/12/19 and 2/25/19 and assured the Commission that proper noticing was done.

Chairwoman Bates requested a continuance of the **PUBLIC HEARING** from Mr. Syzmanski until the March 12th meeting. Mr. Syzmanski will consider it if there are more outstanding questions that he can't answer as the documents have had only minor changes.

Per Mr. Szymanski, the house with an out building and garage have been moved back so it is 100' outside the Setback area. The driveway is in the same location. The existing house is currently @40' off the lake. The house will be moved back significantly in comparison to what exists there today. Within 50' feet of the lake, there will be decrease in impervious surface by @ 589 square feet. Within 50' to 100' feet from the lake an impervious surface decrease from 7,997 square feet to 4,830 square feet was made with the total impervious surface decreased at 3,167 square feet. This reduces impervious surfaces by 40%. The current property has no storm water treatment. All impervious surfaces are discharged toward the lake. Driveway run off will be discharged to Raingarden #2; driveway run off from the front of the house will discharged to Raingarden #1 done by sheet flow, no piping. The Patios will run off into Raingarden #3 in the rear of the property and to Raingarden #4 along the Town Beach side of the property. The plan was gone over by Sean Hayden of Lake Waramaug Task Force as well as Lenard Engineering who gave their blessing after 3 rounds of comments. Changes were made to the plan according these comments.

Landscaping maps were then distributed to the Commission. Landscaping improvements will be made on the property. Deciduous trees proposed are Tupelo (4" caliper, cannot get larger), 3 Sugar Maple trees (5" caliper). Added are Green Giant Arborvitae which were previously shown as 2' but will now be increased to 12', Junipers which were previously 8' are now being increased to 10' in height. Two new trees will be replaced for every large tree removed at @ 19 trees >15" in diameter. 225 shrubs not on the property, >1,000 perennials, >1,400 perennial grasses will be added to the property. A photo of the current lawn was distributed to the Commissioner's. Almost entire property is lawn it is proposed to remove most of the lawn. The only lawn to remain will be a path to the peninsula, a sitting area adjacent to the lake, and an area around the house with another sitting area by the house near the existing dock and a small section of the front. There is now a substantial plan to buffer around the entire perimeter to the property adjacent to the lake. Mr. Szymanski believes he has met all the criteria for a Special Exception with the storm water and landscaping plan. Ms. Bates then questioned how the Raingardens were going to be maintained. Per Ms. Sefcik, the Town of Warren Inland Wetlands Commission approved of the plan and upon approval gave instructions to require a maintenance schedule for the Raingardens. Per Mr. Syzmanski, the Raingardens are low maintenance. A review of the new plan was done by Inland Wetlands Commission to show the modifications. The commission found that it approved of the modifications that same night and noted that this new plan was less intrusive to the wetlands. Lenard Engineering reviewed the plan from a Planning and Zoning perspective and an Inland Wetlands perspective and is satisfied with the plan. Mr. Syzmanski noted that the Spa, the House, the Cottage and the non-conforming Shed will be torn down. The construction entrance will be the gravel driveway. Damage done to the road by large trucks will be corrected immediately and after construction. This can be made a formal condition of approval of the application.

William Hopkins, 19 Hopkins Road – questioned the location of his property in conjunction with 10 North Shore Road

REGULAR MEETING

1. CALL TO ORDER

- a. The Regular Meeting was called to order at 8:51 PM immediately after the Public Hearing. All 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

None

3. APPROVAL OF MINUTES

a. November 13, 2018

MOTION: Mr. Bolte, second Vice Chairman Brodhead to **APPROVE** the **November 13, 2018 REGULAR** meeting minutes

APPROVED: UNANIMOUSLY

ABSTENTIONS: NONE

MOTION: CARRIED

b. November 27, 2018

MOTION: Mr. Bolte, second Mr. Lethbridge to **APPROVE** the **November 27, 2018 SPECIAL** meeting minutes

APPROVED: UNANIMOUSLY

ABSTENTIONS: NONE

MOTION: CARRIED

c. January 8, 2019

MOTION: Mr. Bolte, second Mr. Lethbridge to **APPROVE** the **January 8, 2019 REGULAR** meeting minutes

APPROVED: UNANIMOUSLY

ABSTENTIONS: NONE

MOTION: CARRIED

d. January 12, 2019

MOTION: Mr. Lethbridge, second Mr. Bolte to **APPROVE** the **January 12, 2019 SPECIAL SITE VISIT** meeting minutes

APPROVED: UNANIMOUSLY

ABSTENTIONS: NONE

MOTION: CARRIED

4. OLD BUSINESS

a. **Linda Heard, 35 Kent Road** – Special Exception per Section 23 of the Town of Warren Zoning Regulations for Home-Based Business (Antique Shop).

MOTION: Mr. Bolte, second Mr. Lethbridge to **TABLE** the application until the **March 12, 2019 REGULAR** meeting.

APPROVED: UNANIMOUSLY

ABSTENTIONS: NONE

MOTION: CARRIED

b. **Arthur Howland & Associates – Paul Syzmanski 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 (**New Application with Completely Revised Plans**)

MOTION: Mr. Bolte, second Mr. Good to **TABLE** the application until the **March 12, 2019 REGULAR** meeting and until a legal opinion can be given on terminating Special Exceptions at a specific time.

APPROVED: UNANIMOUSLY

ABSTENTIONS: NONE

MOTION: CARRIED

5. NEW BUSINESS

None

6. CORRESPONDENCE

Per Ms. Sefcik the Land Use office received the winter 2019 quarterly newsletter from the CT Federation of Planning and Zoning Agencies. Secretary Zampaglione will distribute to Commission via email. Also from the CT Federation of Planning and Zoning Agencies was a letter regarding the CFPZA Annual Conference which will be held on March 28, 2019. Any Commissioner who wishes to attend must give notice to the Land Use Office. A copy of the letter will be distributed by Secretary Zampaglione via email. Ms. Sefcik also reminded the Commission of the bi-annual Land Use conference held by the CT Bar Association on March 23, 2019. Commissioner Papp requested attendance to this conference.

7. ZONING ENFORCEMENT OFFICER'S REPORT

Ms. Sefcik submitted her report for the dates covering January 8, 2019 to February 6, 2019 via email on for the Commissioner's.

8. Update from the Plan of Conservation and Development Subcommittee & Scheduling of Public Hearing for Adoption of the 2019 Plan of Conservation & Development

Ms. Sefcik informed the Commission that the POCD draft was completed after many changes and feedback from Stakeholders and residents. The document is currently under review at NHCOG. Once the draft has been completed,

it will be forwarded to all Commission members for review. The plan should be in place in April. There will be a Public Hearing for adoption of the plan at the April Planning & Zoning meeting.

MOTION: Mr. Lethbridge, second Mr. Papp to set the **PUBLIC HEARING** for **April 9, 2019** for the final adoption of the Plan of Conservation and Development for the Town of Warren.

APPROVED: UNANIMOUSLY

ABSTENTIONS: NONE

MOTION: CARRIED

9. Scheduling of Special Meeting Date for Discussion of Text Amendments pertaining to Home-Based Businesses.

Chairwoman Bates would like to schedule a SPECIAL meeting of the Planning & Zoning Commission in March. Chairwoman Bates requested that Attorney Willis join us at this meeting for his recommendation on an enforcement letter in addition to his thoughts on the "tiers" decision. Ms. Sefcik will check with Attorney Willis for a date in March.

10. ADJOURMENT

MOTION: Mr. Papp, second Vice Chairman Brodhead to **ADJOURN** the meeting at 9:15PM

APPROVED: UNANIMOUSLY

ABSTENTIONS: NONE

MOTION: CARRIED