

TOWN OF WARREN
PLANNING & ZONING COMMISSION
Regular Meeting Minutes [REVISED 1-5-2017]
Tuesday, December 13, 2016 - 7:30 pm
Dining Hall, Community Center
7 Sackett Hill Road

Commission members **PRESENT** were Chairman Bob Bolte, Vice Chair Chris Brodhead, Susie Bates, Kelly Tobin, and John Miller. Absent were Robyn Kasler, Phil Good, Brian Coyle, Howard Lethbridge, and Darin Willenbrock. Also present were Stacey Sefčík, CZET, and Richelle Hodža, Recording Secretary.

PUBLIC HEARING CONTINUED

At 7:37 p.m. Chairman Bolte reopened the Public Hearing on the Special Exception per Section 6.1.4 sought by Arthur H. Howland & Associates, PC for Stephen Owens of 121 North Shore Road to construct a septic system outside the buildable area. Ms. Sefčík acknowledged receipt of proof that notices had been sent to abutting neighbors and read into the record emails she had received from the Vances (on 11/27/2016) at 107/115, a representative of the Mulvehill Family (on 11/28/2016) at 135, and the Palmers (on 11/28/2016) at 117 North Shore Road. The correspondences addressed concerns related to Inland Wetlands and to Zoning issues communicating mainly a general displeasure with the size of the project and a perceived relaxation of the regulations.

Mr. Jeremy Oskandy of Howland & Associates reviewed the circumstances necessitating the application for a special exception. He addressed the concerns raised in the letters and indicated on the plans how many of the concerns had been mitigated. Ms. Sefčík informed the Commission that the Inland Wetlands & Conservation Commission, the Public, and professionals hired by the Town for independent reviews, had considered that application at length before approving it with multiple conditions. Mr. Brodhead asked where the septic system had been located previously. The site was located on the plan and it was noted that the new site was significantly further away from the Lake. Chairman Bolte asked if the public had any comments. There were none and no further questions arose from the Commission. The Chairman closed the public hearing at 7:53 p.m.

PUBLIC HEARING

The Public Hearing in the matter of Arthur H. Howland & Associates, PC for The Cove, LLC, North Shore Road (Assessor's Map 45 Lot 12-1) seeking a Special Exception per Section 6.1.4 to construct single family dwelling (SFD) and septic system outside the buildable area was **CONTINUED** because noticing had been incomplete. Notices mentioned the septic system only; however, since the lot size is itself smaller than the regulation's requirements for a buildable area, the proposed SFD is situated beyond the buildable area. Mr. Brodhead **MOVED** to approve the continuation date of **January 10, 2017 at 7:30 p.m.** and the location of the lower level of **Town Hall, 50 Cemetery Road, Warren, Connecticut.** Mr. Miller **SECONDED**. The motion **CARRIED** unanimously. Attorney William Manassee voiced certain questions regarding the remaining agenda. Ms. Sefčík responded with clarifications.

REGULAR MEETING

Chairman Bolte called the meeting to **ORDER** at 8:00 p.m. Alternates were not required.

Mr. Miller **MOVED** for an **APPROVAL of the MINUTES** of the November 9, 2016 Special Meeting. Ms. Bates **SECONDED** the motion and it **CARRIED**.

Chairman Bolte invited **PUBLIC COMMENT**. None was heard.

OLD BUSINESS. Chairman Bolte announced the application by Arthur Howland & Associates for Stephen Owens, 121 North Shore Road – Special Exception per Section 6.1.4 to Construct a Septic System outside the Buildable Area. Ms. Sefčik confirmed that Ms. Tobin, Ms. Bates, and Mr. Brodhead all had listened to the digital recording of the previous meeting held November 9, 2016. Mr. Brodhead made a MOTION to APPROVE the application. Mr. Miller SECONDED. Chairman Bolte solicited discussion. Ms. Sefčik offered to read the criteria for granting special exceptions and those pertaining directly to Section 6.1.4. Chairman Bolte voiced concern that three neighbors opposed the application. Mr. Brodhead requested confirmation from Ms. Sefčik that the application under consideration was for one special exception only, specifically, to construct a septic system outside the buildable area. Ms. Sefčik confirmed his understanding. After some silence among the commissioners, Chairman Bolte called for individual votes. In favor were Mr. Miller, Mr. Bolte, Mr. Brodhead, and Ms. Tobin. Ms. Bates was opposed; the MOTION CARRIED.

The matter of Arthur Howland & Associates for The Cove, LLC, North Shore Road (Assessor's Map 45 Lot 12-1) – Special Exception per Section 6.1.4 to construct single family dwelling & septic system outside the buildable area was TABLED after a MOTION by Ms. Bates and SECOND by Mr. Brodhead owing to improper noticing identified earlier in the Public Hearing.

NEW BUSINESS. Arthur Howland & Associates for Stephen Owens, 121 North Shore Road – Zoning Permit to Tear Down & Rebuild Single Family Dwelling, Demolish Detached Garage & Construct In-Ground Swimming Pool, & Relocate Driveway. Mr. Oskandy provided the Commission with two sets of house plans with elevations as well as the site plan. Ms. Sefčik observed that part of the driveway near the rain garden appeared to have only a 2 foot clearance on one side; the regulations require 3 feet. She had a number of questions with regard to the proposed structures at the shoreline. Mr. Oskandy described the existing concrete structure. He then described an iron cantilever system which would support a teak, or other wood, surface which would, in turn, lead to a gangway and then, further on, to a floating structure. Ms. Sefčik read the definition of a dock from the regulations and also read the definition of a patio, since the nature of the multifarious structure was unclear. Were the structure to be considered a dock, the maximum length it could project into the Lake was 50 feet. If it, or a portion thereof, were considered a patio, it would need a special exception, as it would be over 100 square feet. The Commission discussed the structure(s) vis-à-vis the definitions and after deliberations and calculations, requested that the floating portion of the dock be reduced by 4 feet. Ms. Sefčik also wanted assurance that the barbecue indicated on the plan would be under six feet in height otherwise it would be considered a structure according to Zoning Regulations. Mr. Oskandy said it would be kept under six feet high. Ms. Bates made a MOTION to APPROVE the permit as per the amended plan written on and initialed by Mr. Oskandy in the presence of the Commission indicating a shorter dock by 4 feet and a barbecue less than six feet in height. Mr. Miller SECONDED. The motion CARRIED.

CORRESPONDENCE. None had been received.

ZONING ENFORCEMENT OFFICER'S REPORT. In progress, not submitted.

OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION. Discussion regarding possible zoning text amendments (contractor shop and storage, definition of farm, fencing, merging sections 22 & 33 pertaining to special exceptions, fixing incorrect and unclear references, and renumbering sections and subsections). Ms. Sefčik requested the Commission's time to address issues with the text. The discussion was tabled until a **Special Meeting on January 10, 2017 from 6:30 to 7:30 p.m.**

Ms. Tobin questioned the Commission's decision at the previous meeting which bestowed upon Ms. Sefčik, the Town of Warren's Certified Zoning Enforcement Technician, permission to perform agency determination on all commercial use applications. Mr. Brodhead agreed that he, like Ms. Tobin, heard this via the digital recording of the last meeting. After some discussion Ms. Bates wanted to know exactly what decision-making authority Ms. Sefčik possessed, and requested same in writing. Ms. Sefčik iterated that she had been given authority by the Commission to issue permits where such permits clearly meet or lie within the Zoning Regulations, except where the permit seeks (a) to raze and rebuild a single family dwelling or (b) to construct a new single family dwelling. Things such as simple deck additions, the construction of a pool, or adding a dormer were not brought before the Commission in order to hasten the process for property owners who sought simple permits with no question of permissibility under the regulations. Ms. Sefčik emphasized that anything out of the ordinary would always be brought by her to the Commission. Ms. Tobin again requested a list of powers and limitations possessed by Ms. Sefčik in writing. The matter of the authority of the CZET was to be placed on the agenda for the next regular meeting.

Mr. Brodhead made a MOTION to close the meeting at 9:12 p.m. Ms. Bates **SECONDED** and the motion CARRIED. The next **Regular Meeting** of the Planning and Zoning Commission will be held on **January 10, 2017 at 7:30 p.m.** in the lower level meeting room of the Warren Town Hall at 50 Cemetery Road in Warren, Connecticut immediately following the Special Meeting referred to above.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'RH' followed by a stylized flourish.

Richelle Hodža
Recording Secretary