

TOWN OF WARREN
PLANNING & ZONING COMMISSION
Special Meeting Minutes
Wednesday, November 9, 2016 - 7:30 p.m.
Dining Room, Community Center – 7 Sackett Hill Road

Commission members **PRESENT** were Chairman Robert Bolte, Robin Kasler, Phil Good, John Miller, and Brian Coyle. Not present were Susie Bates, Howard Lethbridge, Kelly Tobin, Vice Chair Chris Brodhead, and Alternate Darin Willenbrock. Also present were Stacey Sefcik, CZET, and Richelle Hodža, Recording Secretary.

PUBLIC HEARING

At 7:41 p.m., Chairman Bolte opened 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. Sefcik read the legal notice into the record, noting that the location of the hearing had been moved subsequent to publication, but that signs indicating the new location had been posted on the doors of the published location and that the agenda, filed with the Town Clerk and posted on the Town's Website indicated the revised location.

Mr. Jeremy Oskandy, EIT of Howland & Associates was present on behalf of Mr. Owens. Ms. Sefcik asked to see proof of notice of the Public Hearing to all abutting neighbors. Mr. Oskandy could not produce the proof; thus the Public Hearing would have to be continued. Ms. Sefcik acknowledged her receipt of the Torrington Area Health District approval. Mr. Oskandy explained the nature of the application for the Special Exception. He stated that Inland Wetlands approval with conditions had been received; however, certain modifications to same were being sought. Ms. Kasler asked what those modifications were. Ms. Sefcik offered to explain that one regarded the custodianship of the Conservation Easement; the other, the extension of the time of year during which earthworks could be done. At 7:58 p.m., Ms. Kasler made a MOTION to continue the Public Hearing to **Tuesday, December 13th at 7:30 p.m. in the lower level meeting room of the Town Hall** at 50 Cemetery Road, Warren, Connecticut. Mr. Miller SECONDED; the motion CARRIED unanimously.

SPECIAL MEETING

The Meeting was called to **ORDER** at 8:00 p.m. and Chairman Bolte's **DESIGNATION OF ALTERNATES** resulted in Mr. Coyle being seated for Mr. Brodhead.

The **MINUTES** from the October 11, 2016 Regular Meeting were APPROVED following a MOTION to ACCEPT by Mr. Coyle and a SECOND by Mr. Good.

OLD BUSINESS. Mr. Dean Gregory, owner and builder of a single family dwelling at 2 Laurel Mountain Road presented himself to the Commission regarding a request to modify zoning permit #16-05 to enlarge width of previously approved driveway. Mr. Gregory read from a prepared statement describing the genesis of his request. He produced photographs and drawings to illustrate practical conditions at the site, which led to his proposal to double the width of the driveway. Commissioners agreed that Mr. Gregory's presentation made sense; however, Chairman Bolte stated that it was not properly within this Commission's power to approve the modification. Chairman Bolte reiterated that the regulations clearly state that the maximum width of a driveway shall be 12 feet. Thus, an application for a driveway twice that width needed to go the Zoning Board of Appeals. The Commission agreed, noting that perhaps the regulation needed review and possible revision, but until such time, if ever, its hands were tied. Mr. Gregory thanked the Commission for its time.

NEW BUSINESS. 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 septic system outside the buildable area. Mr. Jeremy Oskandy presented a site plan and described the reasons for the application. Ms. Kasler wanted to know if Inland Wetlands had given its approval. Ms. Sefcik said that it had. Mr. Oskandy presented Torrington Area Health District's approval to Ms. Sefcik. Mr. Miller made a MOTION to receive the application and to hold a Public Hearing of the matter on Tuesday, December 13, 2016 at 7:30 p.m. at Town Hall, 50 Cemetery Road, Warren. Ms. Kasler SECONDED; the motion CARRIED.

CORRESPONDENCE. Ms. Sefcik handed out an email from the NHCOC regarding its next "Fifth Thursdays" meeting.

Ms. Sefcik handed out a written **ZONING ENFORCEMENT OFFICER'S REPORT**. The report is available for inspection in the Land Use Office.

Attorney Robert Fisher presented himself to the Commission to discuss 387 Lake Road. Attorney Fisher reviewed some of the history of the property since December 2013. He stated that he remains unable to obtain a Certificate of Zoning Compliance on behalf of his client without which he cannot get a Certificate of Occupancy. Attorney Fisher voiced his dissatisfaction with the Commission's handling of the matter and asked the Commission to tell him what the Town wanted of his client vis-à-vis the property in question. Ms. Sefcik asked Attorney Fisher if he had received Town Attorney Willis's letter. Attorney Fisher stated that he had, but only four hours ago and neither had he had a chance to respond in writing, nor did he agree with certain of Attorney Willis's statements. Members of the Commission had been given a copy of Town Attorney Willis's letter at the beginning of the meeting. Mr. Fisher asked if the Commissioners had a copy of his own letter of ten days earlier to which Attorney Willis was responding. They did not. Ms. Sefcik produced a number of copies. Mr. Fisher said he would sit down until the Commissioners had read the letter. Members read Attorney Fisher's letter. Chairman Bolte then suggested that, on the advice of the Town's Attorney, an application for a text amendment should be made. Attorney Fisher stated that several drafts of language for a text amendment had been proposed to Attorney Willis without acceptance. Attorney Fisher added that he was of the opinion that the subject property was in compliance with the existing text of Section 17 of the regulations. Ms. Sefcik referred again to Town Attorney Willis's letter and his request for a formal application for a text amendment. Chairman Bolte and others agreed that they best follow Attorney Willis's advice. Mr. Coyle and Mr. Good sympathized with the predicament described by Mr. Fisher and wished that the matter was easily resolved; however, they, too, felt bound by Town Attorney Willis's advice. Mr. Miller was of a similar mind. Mr. Fisher concluded that if he did not receive a Certificate of Zoning Compliance by the same time next week; he would commence a Mandamus Action. Attorney Fisher thanked the Commission for its time.

A discussion regarding possible zoning text amendments was tabled.

Mr. Coyle made a MOTION to adjourn the meeting until Tuesday, December 13, 2016 at 7:30 at the Warren Town Hall, lower level meeting room. Mr. Good SECONDED, the motion CARRIED.

Respectfully submitted,



Richelle Hodža
Recording Secretary