

TOWN OF WARREN
PLANNING & ZONING COMMISSION

Minutes of Special Meetings and Public Hearings
held Tuesday, March 21, 2017 - 6:30 p.m.
Land Use Offices – 50 Cemetery Road

SPECIAL MEETING

PRESENT were Bob Bolte, John Miller, Robyn Kasler, Susie Bates, and Kelly Tobin. Also present were Stacey Sefčík, CZET, and Richelle Hodža, Recording Secretary. Not in attendance were Chris Brodhead, Phil Good, Howard Lethbridge, and alternates Brian Coyle, Darin Willenbrock.

Chairman Bolte called the meeting to ORDER at 7:00 p.m. and introduced the sole item on the agenda: A **Discussion and Possible Action Regarding Zoning Text Amendments**, including Contractor Shop and Storage, Accessory Apartments, Driveway Width, Definition of Farm, Fencing, Merging Sections 22 and 33 Pertaining to Special Exceptions, Fixing Incorrect & Unclear References, and Renumbering Sections and Subsections. No alternates were necessary.

From a document, which she had prepared based on other Towns' regulations, her professional training and opinion, and experience with the Town and people seeking information about regulations, Ms. Sefčík presented a number of Sections of the Zoning Regulations that remain unclear or undefined with suggestions for text amendments. The Commission had various questions on each point and discussed their views, mindful of the Town's overall character and its Plan of Conservation & Development. Of particular discussion were regulations governing businesses that are, or could be, located in a residential area. The preliminary discussions were brief, serving mainly as introductions to the issues with the Regulations observed by Ms. Sefčík during the course of her tenure as Zoning Enforcement Officer.

Mr. Miller **MOVED** to close the meeting at 7:29 p.m. Ms. Bates **SECONDED** his motion; it **CARRIED** unanimously.

The next Regular Meeting of the Planning & Zoning Commission is scheduled for **Tuesday, April 11, 2017 at 7:30. p.m.** in the lower level conference room of Town Hall.

PUBLIC HEARINGS

Those **PRESENT** at the Special Meeting remained: Chairman Bolte, Mr. Miller, Ms. Kasler, Ms. Bates, Ms. Tobin and Town Staff members Ms. Sefčík and Ms. Hodža.

PUBLIC HEARING (Continued)

Chairman Bolte called the meeting to order at 7:30 p.m.: Arthur H. Howland & Associates, P.C. for Dr. and Mrs. Eric D. Salk, **379 Lake Road** – Special Exception per Section 8.5 of the Town of Warren Zoning Regulations to Permit an Accessory Apartment.

Ms. Sefčík announced that she had received a letter withdrawing the application.

PUBLIC HEARING (New)

Arthur H. Howland & Associates, P.C. for Samgold, LLC, **102 North Shore Road** – Special Exception per Section 16.3 of the Town of Warren Zoning Regulations to Construct Single Family Dwelling and Pool within the Shoreline Setback Area.

Ms. Sefčík read into the record the notice of public hearing, which appeared in the Republican American (per CT Gen Stat § 8-7d (2015)). Mr. Paul Szymanski, president of Howland & Associates, approached the Commission on behalf of his client, Samgold. He announced the attendance of Messrs. Harold Tittmann and Sean Woodward of Tittmann Design + Consulting LLC, the firm managing the project. Mr. Szymanski noted that the special exception presently being sought is the same special exception sought and approved a year and a half ago for the abutting property at 108 North Shore Road. Pointing to a site plan as illustration, Mr. Szymanski stated that the proposal was to double the distance of the house from the lake. A pool was planned between the lake and the house. Care of the existing trees was detailed on the plans and their roots would be protected during

construction. The septic system had been approved by TAHD. Stock piles would be toward the road side of the construction site. The storm water management plan includes the removal of a portion of the existing driveway on the eastern side of the property, which presently comes within 35 feet of the lake. The new driveway would be 100 feet from the lake. The existing shed would be reconstructed on the existing footprint. Plantings downhill of the shed would add to the vegetative buffer, which contains greater than 50% tree coverage within 100 feet of the lake. Mr. Szymanski continued that the plan had been reviewed and found satisfactory by the Lake Waramaug Task Force (LWTF) per an email from Sean Hayden to First Selectman Craig Nelson dated January 26, 2017 at 4:00 p.m.

Mr. Szymanski went on to address two letters that had been received on behalf of the Lake Waramaug Association (LWA). The first was a letter dated March 20 from Mr. Philip C. Pires, Esq. of Cohen and Wolf, P.C., Attorneys-at-Law. Seven reasons requesting that the Commission deny the application were cited. Mr. Szymanski refuted each one, reading from his own letter dated the day of the present hearing. The second letter, dated March 19, was from Mr. Steven D. Trinkaus, PE, of Trinkaus Engineering, LLC. Mr. Trinkaus listed thirteen comments for consideration. Mr. Szymanski addressed each of the comments calling upon both Mr. Tittmann and Mr. Woodward to make additional presentations to illuminate certain issues and how they were proposed to be handled. Mr. Tittmann presented an elevation of the proposed structures, superimposed over a ghost drawing of the existing structures, comparing their proposed mass with what is there now. Mr. Tittmann also presented a board with photos of actual views taken the day of the hearing to illustrate existing conditions on the site from many directions. He noted that there was one neighbor, Ms. Heather Allen, who might be affected by the proposal, as her property abutted the subject property; however, the siting of the new house was to be further from, not closer to, that neighbor. Any objection to the amount of glazed portions of the house was countered by Mr. Tittmann's declaration that a person who buys a property on the lake does so in order to have views of it; furthermore, only one small window faces east, toward the neighbor's property. Mr. Szymanski concluded the presentations on behalf of Samgold noting that the project purposely did not seek to take many of the maximums allowable under the regulations, but sought instead to make the proposal less non-conforming, to improve protections of the lake's water quality, and to be sensitive to the neighbor.

Chairman Bolte asked the public for comment. Ms. Heather Allen, 96 North Shore Road, was recognized. Ms. Allen began by describing her own house next door as an old-fashioned summer house. She stated that she lives there from June to September or "pool season." Ms. Allen was gravely concerned about the size of the project and the intensity of use. She voiced her concern over the, the amount of noise coming from parties and people using the pool since she keeps her windows open, the sound of the pool equipment, and outdoor sound systems. To the potential for disturbance of her peace, Ms. Allen added security lighting. Furthermore, she pointed out that the shed was to be more than two times larger than the existing shed. She did not feel that the project was in keeping with the setting; that the size and intensity of the layout would affect her adversely; and that the natural and scenic features of the site would be harmed.

Ms. Allen sat down after imploring the Commission not to approve the project. Mr. Richard Kleinberg of the Lake Waramaug Association was recognized by Chairman Bolte. He stated that the project was a very disruptive one and that special exceptions were not intended for the purpose of putting a pool next to the lake. Mr. Kleinberg stated that the huge amounts of proposed window glass damages the aesthetic character of the lake, stating that his organization was unsuccessful in preventing earlier projects that included "walls of glass." Mr. Kleinberg observed that neither Mr. Hayden nor Mr. McGowan is an engineer and therefore, not sufficient to perform a "peer review"; however, Mr. Trinkaus is an engineer. Mr. Kleinberg also spoke about how sound carries over the lake and that because the rear wall of the proposed dwelling is an 80-foot long barrier, sound will bounce directly across the lake. He added that Ms. Allen has a dock and that her use of it will be disrupted. Finally, the very existence of benthic barriers discovered at the property, suggested Mr. Kleinberg, are an indication that there already exists a problem of eutrophication. Mr. Kleinberg recommended that the Commission require a site visit if it was considering an approval.

Mr. Woodward and Mr. Tittmann wished to rebut. They noted that the project is 17% under what the regulations allow for lot coverage and the overall height has been reduced compared to what exists presently. The client is non-combative and is making every effort to minimize the impact of the project. He is night-sky friendly and the exterior lighting proposed calls for downlights under the eaves of the building. The trees and vegetative buffers meet and exceed the regulations.

Mr. Kleinberg accused the presenters of introducing straw men; that the character of the owners of the property was not under consideration. The problem was, he stated, that the proposed development of the property was inappropriate and not compatible with the site. Mr. Kleinberg again suggested a site visit.

Mr. Szymanski noted that both of the letters written by professionals hired by the LWA – the engineer and the lawyer – arrived at least 6 days after the present meeting was supposed to occur on March 14, 2017, had it not been cancelled owing to the winter storm. There was ample time for the LWA to study the project, take site walks, and respond, yet it waited until this late date.

Asking for further comments, Ms. Allen stood again and repeated her concerns. Noise from the pool equipment became a particular focus. The applicant was asked why it had not been located at the western side of the property. Mr. Szymanski stated

that the owners did not want to walk past it on their way to the pool; however, Mr. Szymanski pointed out that it was still a full 95 feet from Ms. Allen's property line.

Chairman Bolte asked for a **MOTION TO CLOSE** the hearing at 9:12 p.m. Ms. Bates so moved and Ms. Tobin **SECONDED**. The motion **CARRIED**.

SPECIAL MEETING

Those **PRESENT** at the Public Hearings remained: Chairman Bolte, Mr. Miller, Ms. Kasler, Ms. Bates, Ms. Tobin and Town Staff members Ms. Sefcik and Ms. Hodža.

CALL TO ORDER. Chairman Bolte called the meeting to order at 9:22 p.m. Alternates were not required.

APPROVAL OF MINUTES. Mr. Miller made a **MOTION, SECONDED** by Ms. Bates, to approve the February 14, 2017 Regular Meeting Minutes. The motion **CARRIED**. Ms. Bates, **SECONDED** by Ms. Tobin, made a **MOTION** to approve the February 21, 2017 Special Meeting Minutes; the motion **CARRIED**.

OLD BUSINESS. Arthur Howland & Associates for Eric Salk, **379 Lake Road** – Special Exception per Section 8.5 of the Town of Warren Zoning Regulations to Permit an Accessory Apartment. **Application Withdrawn.**

Arthur Howland & Associates for Samgold, LLC, **102 North Shore Road** – Special Exception per Section 16.3 of the Town of Warren Zoning Regulations to Construct Single Family Dwelling and Pool within the Shoreline Setback Area.

Mr. Miller made a **MOTION** to **APPROVE** the application. Ms. Bates **SECONDED**. Chairman Bolte called for discussion. He asked whether the Commission wanted a site walk. Mr. Miller stated that he did not see that a site walk was necessary based on the presentations and information provided. Additional concerns about the security lights and potential noise were discussed. Ms. Sefcik read Section 22.2 regarding what kinds of conditions could be set by the Commission were it to approve the application. It was the opinion of Ms. Sefcik that potential noise was within the purview of the TAHD and not the present Commission. Mr. Miller made a **MOTION TO CALL THE QUESTION**. Ms. Bates **SECONDED**; the motion **CARRIED**.

Ms. Bates **MOVED TO APPROVE** the application **WITH THE CONDITION** that the pool equipment be relocated to the western side of the property, away from the eastern boundary. Mr. Miller **SECONDED**. Chairman Bolte called for a vote: Mr. Miller, Ms. Bates, and Ms. Tobin, were in favor; Ms. Kasler was against the motion; Mr. Bolte abstained from the vote; the motion **CARRIED**.

Chairman Bolte announced the matter of Arthur Howland & Associates for Samgold, LLC, **102 North Shore Road** – Zoning Permit to Tear Down & Rebuild Single Family Dwelling and Shed, Construct In-Ground Swimming Pool. The Commission, after seeking input from Ms. Sefcik, had few comments. Ms. Bates made a **MOTION to APPROVE** the application with **TWO CONDITIONS** suggested by Ms. Sefcik, namely that (1) an As-Built survey be required and (2) the Special Exception be filed on the land records before the permit is issued. Ms. Tobin **SECONDED**; all were in favor, the motion **CARRIED**.

NEW BUSINESS. None.

CORRESPONDENCE. None

ZONING ENFORCEMENT OFFICER'S REPORT. Postponed until next meeting.

OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION. None.

At 9:43 p.m., Ms. Tobin made a **MOTION to CLOSE** the meeting; Ms. Kasler **SECONDED**, the motion **CARRIED** unanimously. The next regular meeting of the Planning & Zoning Commission is scheduled for **Tuesday, April 11, 2017 at 7:30 p.m.** in the lower level meeting room of Town Hall.

Respectfully submitted,



Richelle Hodža
Recording Secretary