

Town of Warren
Planning & Zoning Commission
PUBLIC HEARING – SPECIAL MEETING MINUTES
Tuesday, March 12, 2019 – 7:30 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
Absent: Brian Coyle, John Miller, Paul Prindle, Ruth Schnell

1. CALL TO ORDER AND DESIGNATION OF ALTERNATES

The **REGULAR** meeting was called to order at 7:35 PM. All regular members were seated for the meeting. The proceedings were recorded digitally, and copies are available in the Land Use office.

2. OPPORTUNITY FOR PUBLIC COMMENT

None

3. APPROVAL OF MINUTES

a. February 12, 2019

MOTION: Mr. Bolte, second Vice Chairman Brodhead to **ADOPT** the **AMENDED February 12, 2018 PUBLIC HEARING** meeting minutes;

The minutes of today's meeting, March 12, 2019, will record the following:

That the minutes of the February 12, 2019 Planning & Zoning Commission, be accepted as a true and correct record with the following amendment(s):

Page 2 – Per Ms. Sefcik - PUBLIC HEARING regarding 10 North Shore Road – 3rd paragraph – Lake Waramaug Task Force asked to remove the wording “gave their blessing”. LWTF clarified in an email sent to Ms. Sefcik neither Sean Hayden or the LWTF gave their blessings for this project. All advice LWTF gives is on a purely consultative basis and under no circumstances should its consultation be construed as support, endorsement, or blessing of any project or its plans.

Page 1 – Per Vice Chairman Brodhead - PUBLIC HEARING regarding 35 Kent Road – 1st paragraph – Attorney Fisher's comments regarding Special Exception criteria; Vice Chairman Brodhead wanted the record to show that he was concerned with this last point and Attorney Fisher acknowledged Vice Chairman Brodhead's concern.

Page 2 – Per Mr. Bolte – PUBLIC HEARING regarding 10 North Shore Road – The record does NOT show that the PUBLIC HEARING for this property was closed – Let the record show that the PUBLIC HEARING for 10 North Shore Road, Barbara Johnson, Trustee, was CLOSED at 8:50 PM.

Page 2 – Per Chairwoman Bates – PUBLIC HEARING regarding 10 North Shore Road – 3rd paragraph, 1st sentence. The record states, “Per Mr. Szymanski, the house with an out building and garage have been moved back so it is 100’ outside the Setback area.” Let the record show that “ONLY the GARAGE has been moved back so it is 100’ outside the Setback area.

Page 3 – Per Chairwoman Bates – REGULAR meeting/Old Business regarding 10 North Shore Road - MOTION. Let the record show that this MOTION was regarding 35 Kent Road, Linda Heard application for Special Exception.

MOTION: Vice Chairman Brodhead, second Mr. Lethbridge to **ADOPT** the **February 12, 2019 PUBLIC HEARING** and **REGULAR** meeting MINUTES with the above **AMENDMENTS**

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).

Mr. Papp informed the Commissioners that his company has done business with Cramer and Anderson, LLP, which Attorney Fisher is affiliated. Mr. Papp assured the Commission that he can be unbiased in his decision regarding this matter and if Attorney Fisher and the Commission have no objections, he can remain seated for this application. Attorney Fisher and the Commission had no objections to Mr. Papp's seating during this application.

An email from Attorney Willis regarding clarification of Special Exception conditions and whether a time limit can be used as a condition was read into the record by Ms. Sefcik. Attorney Willis suggests conditions placed on Special Permits should follow the language and intent of Section 31.6.2 of the Town of Warren Planning and Zoning Regulations.

Concerns were expressed by some Commission members regarding the proximity of homes to one another, the neighbors visual into each other's properties, residential character and safety issues with backing onto Rt. 341. The issue of other businesses on Rt. 341 either registered with the town or running illegally was raised by Commissioners. Signage was also ruminated by the Commission; Ms. Heard will have to submit a separate application for signage to the Commission. The hours in which the shop will be open was also discussed at length amongst the Commissioners. Ms. Sefcik read a letter from neighbor Peter Montgomery, who is in support of this application. Ms. Sefcik also read a letter into the record from the owner of 35 Kent Road property, Elaine Peterson, who explained that there is no interest into expanding the business into other buildings on the property. Enforcement was ruminated by the Commission.

MOTION: Mr. Lethbridge, second Mr. Good to **APPROVE** the **SPECIAL EXCEPTION per Section 23** of the Town of Warren Planning and Zoning Regulations for the application for Linda Heard, 35 Kent Road, for Home-Based Business (Antique Shop) subject to the following conditions:

Hours of operation will be restricted to Tuesday – Saturday (5 days) from 10 am – 5 pm, by appointment only; Customer parking will be in the upper driveway; area of business is limited to the basement of 35 Kent Road as per the application; if Ms. Heard requires signage, she is to submit a Zoning Permit application to P&Z for signage.

APPROVED: Mr. Good, Mr. Papp, Mr. Lethbridge, Chairwoman Bates **OPPOSED:** Vice Chairman Brodhead, Mr. Bolte, Mr. Crane; **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.

Ms. Sefcik sent all correspondence to Commissioners including the initial review of the property from Lenard Engineering, the Archaeological Reconnaissance Report prepared by Historical Perspectives, Inc., letters of correspondence from neighbors and their engineering consultants and Mr. Syzmanski's response to same, and minutes to all meetings of P&Z pertaining to 10 North Shore Road application.

Mr. Crane questioned a letter received from Gail Berner, abutting neighbor of 10 North Shore Road and her objections. Ms. Berner's letter was submitted with the original application for 10 North Shore Road that had been withdrawn. Ms. Berner wanted her letter submitted to P&Z for the new application as well. It was noted in the file at the February 12, 2019 PUBLIC HEARING and distributed to all Commission members. Ms. Sefcik also explained the engineering review process by Lenard, the receipt of Mr. Trinkaus' comments and receipt of Mr. Syzmanski's response.

The Archaeological Reconnaissance report was discussed at length by the Commission. Additional testing, findings and project delays were ruminated by the Commission. Ms. Sefcik read page 17 of the report regarding recommendations to the Commissioners.

MOTION: Mr. Papp, second Mr. Lethbridge to **APPROVE** the application 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.

APPROVED: Mr. Papp, Mr. Good, Mr. Lethbridge, Vice Chairman Brodhead **OPPOSED:** Chairwoman Bates, Mr. Bolte **ABSTENTIONS: Adam Crane** **MOTION: CARRIED**

5. NEW BUSINESS

- a. Arthur Howland & Associates – Paul Syzmanski for Barbara Johnson, Trustee, 10 North Shore Road –**
Zoning Permit for Tear-Down, Rebuild of Single Family Dwelling, Garage, and Breezeway; Relocation of Driveway; Construction of In-Ground Swimming Pool and Pergola; Relocation of Existing Spa.

Mr. Syzmanski distributed a floor plan of 10 North Shore Road for the Commissioners perusal. Mr. Syzmanski indicated that the orange dotted line indicated the setbacks.

MOTION: Mr. Papp, second Mr. Lethbridge to **APPROVE Arthur Howland & Associates – Paul Syzmanski for Barbara Johnson, Trustee, 10 North Shore Road –** Zoning Permit for Tear-Down, Rebuild of Single Family Dwelling, Garage, and Breezeway; Relocation of Driveway; Construction of In-Ground Swimming Pool and Pergola; Relocation of Existing Spa with the Required As Built when Foundations are poured and Pool is installed.

APPROVED: Chairwoman Bates, Vice Chairman Brodhead, Mr. Bolte, Mr. Lethbridge, Mr. Good, Mr. Papp; **ABSTENTIONS:** Mr. Crane **OPPOSED:** none **MOTION: CARRIED**

6. CORRESPONDENCE

Ms. Sefcik distributed to the Commissioners a Final Decision form the FOI Commission of the state of CT regarding a Planning and Zoning Commission in Oxford, which held “workshops” with a project applicant without providing proper notice and for which no minutes were kept. In addition, Ms. Sefcik also distributed Proposed Zoning Regulation Amendments concerning Farms, Farming and Agriculture Regulations from the Town of Cornwall Planning and Zoning Commission for perusal.

7. ZONING ENFORCEMENT OFFICER’S REPORT

Ms. Sefcik submitted her report via email for the dates covering February 7, 2019 to March 11, 2019 to the Commissioners. Ms. Sefcik reported that her investigation into a property with several on-going businesses was still in progress. Stonewalls by George was questioned by Chairwoman Bates who requested the status of this enforcement. Ms. Sefcik will do a Site Visit to this property soon as weather and ground conditions have prevented her from doing so in the previous months.

MOTION: Vice Chairman Brodhead, second Mr. Papp to **ACCEPT** the ZEO’s report dated **February 7, 2019 to March 11, 2019**

APPROVED: UNANIMOUSLY **ABSTENTIONS: NONE** **MOTION: CARRIED**

8. OTHER BUSINESS PROPER TO COME BEFORE COMMISSION

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

Ms. Ayers of NHCOC has since added more information to the draft in regards to the Warren Land Trust and for Town of Warren Parks and Recreation Department. The official draft will be emailed to the Commissioners for perusal by Friday, March 15, 2019. The old Plan of Conservation and Development expires on April 9, 2019. The 2019 POCD will be set for PUBLIC HEARING for May 21, 2019 SPECIAL meeting in which the plan will be ADOPTED.

- b.** Attorney Matt Willis can join the Planning and Zoning Commission for a meeting to discuss Home-Based businesses on either March 20, 2019 or March 26, 2019. Neither of which dates work for the Commission. Ms. Sefcik will speak to Attorney Willis regarding April 9, 2019 Regular meeting date for a visit.
- c.** Chairwoman Bates then addressed the Commission regarding correspondence between Attorney Willis and the Commission. The Commission is welcome to call Attorney Willis to ask questions but Chairwoman Bates asks that before a phone call is made to discuss it with her or Ms. Sefcik as an answer may have already been obtained. Attorney Willis also welcomes conference calls and Chairwoman Bates suggested that a running list of questions be made for Attorney Willis and when Ms. Sefcik telephones him, that one other P&Z member be present during the call. Attorney Willis can answer questions in the form of an email but cautions that this is within reason. The legal budget for the Town of Warren was a concern and was discussed by some Commission members. Chairwoman Bates also requested that NO letters be sent out regarding

Home-Based Businesses until a conference with Attorney Willis and the Commission comes to a resolution on the Regulations.

Chairwoman Bates also noted that to implement a suggestion, a motion be made and either it is approved or opposed and then put into action, i.e., application changes.

MOTION: Chairwoman Bates, second Mr. Bolte to **ACCEPT** Planning and Zoning applications only until 12:00 PM on the Wednesday before the meeting is held on the following Tuesday.

APPROVED: UNANIMOUSLY

ABSTENTIONS: NONE

MOTION: CARRIED

MOTION: Chairwoman Bates, second Mr. Lethbridge to make **ADDITIONS** to the Town of Warren Planning and Zoning Application; it is the sole responsibility of the applicant to follow all Town of Warren Planning and Zoning Regulations; Site Visits will be allowed during the Life of the Permit.

APPROVED: UNANIMOUSLY

ABSTENTIONS: NONE

MOTION: CARRIED

MOTION: Chairwoman Bates, second Mr. Good that **NO correspondence letter(s)** be distributed regarding Home-Based Business until counsel with Attorney Willis.

APPROVED: UNANIMOUSLY

ABSTENTIONS: NONE

MOTION: CARRIED

MOTION: Mr. Lethbridge, second Mr. Bolte to **NOT ACCEPT** Planning and Zoning applications that are not filled out completely (namely, page 5 of the application – General Site Plan – Exhibit for Zoning Permit Application)

APPROVED: UNANIMOUSLY

ABSTENTIONS: NONE

MOTION: CARRIED

9. ADJOURMENT

MOTION: Mr. Papp, second Mr. Good to **ADJOURN** the meeting at 10:35PM

APPROVED: UNANIMOUSLY

ABSTENTIONS: NONE

MOTION: CARRIED

Respectfully submitted,

Brenda Zampaglione

**Brenda Zampaglione
Land Use Secretary**