



TOWN OF WARREN
PLANNING & ZONING COMMISSION
Lower-Level Conference Room
50 Cemetery Road, Warren, Connecticut
landuse@warrenct.org
860-868-7881 x 117

Public Hearing and Regular Meeting Minutes

Tuesday, November 9, 2021 at 7:30 p.m.

1. Call to Order, Roll Call, and Designation of Alternates

Chairman Jack Baker called the meeting to order at 7:30pm. Members **present** were Mr. Ryan Curtiss, Ms. Ruth Schnell, Vice Chair Victoria Sahadevan Fossland, and Mr. Paul Prindle. Alternative members present were Peter Sandberg, and Deb Ouellette. **Absent** were Mr. Andrew Carollo, Mr. Mike Zimet, and Mr. John Papp. Chairman Baker sat Ms. Ouellette for member Mr. Carollo.

2. Items to be added to agenda (if any, requires 2/3 vote)

Vice Chair Ms. Fossland made a **MOTION** to discuss Ms. Hodza's hours. Ms. Ouellette **SECONDED; MOTION CARRIED**

3. Public Hearing

ZPA# 21-57 & 21-58 / 85 Curtiss Road, Assessor's Map 7, Lot 19 / Paul Szymanski, P.E. of Arthur H. Howland & Associates, P.C. for Davidson and Elizabeth Goldin

- i. ZPA# 21-57 Special Exception and Site Plan Application for grading more than 20,000 square feet of land per Section 22.1 related to the demolition of existing house and shed and construction of a new house with appurtenances including driveway, pool, spa, pergola, septic well. (Received by Commission 9/14/21; public hearing opened 10/12, continued to 11/9 (day 28); must close by Nov 16 or request extension from applicant.)
- ii. ZPA# 21-58 / Special Exception and Site Plan Application for structures outside the buildable area per Sections 6.1.4 and 6.1.5 related construction of a new house with appurtenances including driveway, pool, spa, pergola, septic well. (Received by Commission 9/14/21; public hearing opened 10/12, continued to 11/9 (day 28); must close by Nov 16 or request extension from applicant.)

Chairman Baker opened the Public Hearing with the Public Comment portion of the Public Hearing

Attorney Perley Grimes from Cramer & Anderson LLP, who is representing Ms. Elizabeth Gildersleeve spoke and reviewed his letter that was written in regards to 85 Curtiss Rd. Attorney Grimes made many points throughout the letter. [This letter is available on the Town's Website at <http://warrenct.org>].

Ms. Tammen of 50 Curtiss Rd stated that it's premature to discuss all these details. The Wetlands Commission has not even approved the application. There are many opened questions and problems with this project. Regarding blasting is has not been adequately been researched and evaluated by an expert. The concerns about blasting have not been researched and answered. Also, the proposed activity would cause serious damage to Lake Waramaug as discussed in the letter from Sean Hayden the Executive Director of the Lake Waramaug Task Force. Requesting for the public hearing not to be closed, and for the application to be denied, unless there are prudent and feasible alternatives submitted.

Mr. David Goldin, 85 Curtiss Rd the applicant stated there were comments about us and it's important to correct the record. We have from the beginning; done everything we've been asked to do by the independent engineer by the inland wetlands commission and it's important for Elizabeth and me to make very clear to all of you our new neighbors. We've been in the southern part of the county for a while we're now up here on Hopkins Road renting well wait for this process. We care very much about Lake Waramaug. Our instructions to Paul (Mr. Szymanski) and others were say yes to everything. So, to be told by a neighbor who doesn't know us that we don't care about the lake and aren't doing everything we can we just have to say that's not true. And hope everyone here knows that we've done every single thing we've been asked to do. And we plan to continue saying yes as much as possible.

Mr. Szymanski representing the applicants reviewed that since the last public hearing there had been a site walk help at 85 Curtiss Rd. At that site walk it was reviewed the new driveway entrance, the proposed rain gardens located East of the septic, 2 East of the driveway, and one Northwest corner of the house. The old wood road was walked to see the preserved wooded area. Mr. Szymanski reviewed the requested made by Mr. Parsons the independent engineer, the letter from Mr. Russell J. Dirienzo- Licensed Environmental Professional & hydrogeologist, the letter from Lake Waramaug Task Force agreeing to do all testing in the 2019 DEP guidance document that has already been submitted for the record. Mr. Szymanski also reviewed all the guidelines that will be followed regarding the blasting procedure. [These documents can be found on the Town of Warren's Website at www.warrenct.org under Planning and Zoning].

Mr. Szymanski asked for Mr. Dave D'Ambruoso, D'Ambruoso Blasting Company to come forward and discuss his experience and the process that will happen during the blasting on this site. Mr. D'Ambruoso stated that his company has blasted numerous sites in Warren and Washington and he goes directly through the Fire Marshall, and followed all the state and local codes that are backed by science. The guidelines are 250 feet surveys which are required but

the landowners are agreeing to 500 feet from their property, for a pre blast survey. The pre blast survey includes an outside engineering company then sends certified letters to the surrounding neighbors. When the neighbors are available the engineering company goes inside the house and they document all the pictures in the house. They go to each room-by-room existing cracks existing their basement they do the outside of the house. This is for the homeowner's production and our protection.

Mr. Szymanski asked Mr. D'Ambruoso approximately how many yards of material do you blast annually? Mr. D'Ambruoso stated about 6 million yards, Mr. Szymanski also asked Mr. D'Ambruoso how many years have you been doing this? Mr. D'Ambruoso stated since 1971, and Mr. Szymanski asked have you ever had any issued with acid rock drainage? Mr. D'Ambruoso stated no never in all my years of blasting.

Mr. Szymanski stated that he had just received Attorney Casagrande's letter and reviewed all the concerns throughout the letter. Mr. Szymanski's response to Attorney's Casagrande can be found on the [Town of Warren's Website www.warrenct.org under Planning and Zoning].

Ms. Hodza asked Mr. Szymanski regarding the information regarding Wolfe Engineering maps that were brought up. Mr. Szymanski stated that Ron Wolfe of Wolfe Engineering performed a 1st division of the property and that is shown on the map on file.

Mr. Szymanski reviewed the excavation process anticipating two acres of site disturbance approximately 2500 cubic yards of material to be blasted. We anticipate the site work will take approximately one year and the maximum excavation is approximately 10 to 12 feet with respect to restoration basically any area that's disturbed we take the topsoil from topsoil and stockpile spreader to thickness of six inches. Water bars will be added throughout the site during the winter for erosion control during the winter time and all time of the project excavation.

Chairman Baker asked whether or not the buildable area was achievable anywhere on the property. Mr. Szymanski stated that he performed a 25% slope analysis. There'll be an area that may meet the buildable area in the mature woodland up in the back, so the driveway would be significantly longer. Then we would be removing mature forest land.

Ms. Hodza brought to Chairman Baker's attention that she came across the Wolfe Engineering's plans that the previous owner had done for this subdivision. It shows that there are two buildable areas. Ms. Hodza asked Mr. Szymanski is he feels this is wrong? Mr. Szymanski feels there is one buildable area up in the back corner of the property. No matter the area used it will still require a special permit for excavation or grading of more than 20,000 sq ft.

Ms. Hodza stated that Mr. Szymanski has gone over section 22.3 and 22.4 but that in section 22.9 it states that no sorting, crushing, reducing refining or other processing of the excavated material shall be done on the parcel, except as specifically authorized by the terms of the

special exception. This would have to be specifically authorized because it's still not clear where the material is going to be put.

Mr. Szymanski clarified the larger boulders are going to be used for the retaining walls, both north of the home and along the western side of the driveway going up. The smaller material that's crushed is going to be screened. The clear stone will be utilized for the curtain drain at the base of the retaining walls. The crushing will happen on site, and that the blasting and crushing will take about 14 days.

Mr. Szymanski reviewed the house plans and location of the house which is set down, it doesn't adversely impact the neighbors because of the mature trees that are upgrading from them.

Mr. Harold Tittmann the applicant's architect, stated that since the beginning of this project made a conscious effort to place the house in as reasonable and logical place and not to disturb the neighbors and to be as considerate to all those around.

Ms. Deb Ouellette asked if the driveway going to be changed at all? Mr. Szymanski stated yes, the driveway shifts down gradient. It's about 70 feet from where it currently is adjacent to that water course.

Mr. Tammen, 50 Curtiss Rd requested for Ms. Hodza to read regulation 31.4, Ms. Hodza asked for Mr. Tammen to read that himself if possible. Mr. Tammen read regulation 31.4 into the record. Also, he would like to see that the applicant asks for another 30–60-day extension for the public hearing.

Ms. Hodza stated in regards to the question about whether this commission should properly here this special exception application via section 31.4 of our regulations. I have in fact spoken to the Town's Land Use Attorney Matt Willis about this question. It is perfectly logical to continue with this hearing. This commission, has a duty to move ahead with this, and of course stopping short if the Wetlands Commission does not approve the application. It would be at that time that we would have to deny the application without prejudice.

Chairman Baker stated that we are not approving this application without a wetland's approval. We asked to put the hearings from the wetlands as part of the record of this application. That way the Commission and public are informed simultaneously throughout this application process.

Mr. Hayden, Executive Director of the Lake Waramaug Task Force, requesting for this Commission to keep the public hearing open. We've hired a water quality expert to review the proposed plan. And his preliminary work has found serious flaws in the water quality management plan. We request that you provide us with the opportunity to bring these issues to the Commission's attention.

Mr. Tom McGowan, the previous executive director of the task force. There are still things actually quite a few that we feel are required by the regulations that have not been provided. This is one of, if not the most difficult sites to find a buildable area and to meet the requirements. Excavation is almost two acres. A large amount of land that's going to be disturbed. So, the task force is here to do one thing to try and ensure that its mission is fulfilled and that the lake is not harmed by this. Your regulation that applies to this application says that in this instance of a preexisting lot. If you can't find a lot that's totally conforms to the requirements for the definition of buildable area, that you as a Commission can make a decision and make conditions on that application so that the plan most closely conforms to the requirements for a buildable area.

Chairman Baker stated that there will be no more public comments and continue the public hearing and request for a 45-day extension from the applicant.
Mr. Szymanski granted a 45-day extension.

Chairman Baker stated that the Commission should hire a 3rd party blaster expert to review this application for a second opinion. Vice Chair Victoria Sahadevan Fossland agrees.

Vice Chair Victoria Sahadevan Fossland stated that there was a letter from a member of the public that should be read into the record.
Ms. Hodza read Ms. Cook, 71 Curtiss Rd, into the record.

Ms. Hodza presented the site plan from Wolfe Engineering done for the previous owners back in 2018. That shows the two building sites proposed building sites for those for that lot.

Vice Chair Victoria Sahadevan Fossland asked for a clarification on the map that shows two buildable sites, but that it's stated tonight by Mr. Szymanski that there's only one buildable site. Chairman Baker explained, if you want to build within the buildable site you have to get a special exception. The other site would be right up against the neighbor's area. The one buildable site is acceptable down a little from the original buildable area.

Mr. Szymanski stated that he is going to provide the slope analysis next week to confirm the 25% slopes were calculated correctly.

Vice Chair Victoria Sahadevan Fossland made a **MOTION** to look into an independent engineer for blasting to review all the information regarding this application following the 500 ft perimeter as reviewed in the application. Ms. Ouellette **SECONDED**, vote **PASSED** 6 Yay, 1 Nay (Mr. Prindle).

Vice Chair Victoria Sahadevan Fossland made a **MOTION** to continue the public hearing with a 45-day extension, Ms. Ouellette **SECONDED**, vote **PASSED**.
Adjourned public hearing at 9:06pm

Regular Meeting

Call to Order, Roll Call, and Designation of Alternates

Chairman Jack Baker called the meeting to order at 9:07pm. Members **present** were Mr. Ryan Curtiss, Ms. Ruth Schnell, Vice Chair Victoria Sahadevan Fossland, and Mr. Paul Prindle. Alternative members present were Peter Sandberg, and Deb Ouellette. **Absent** were Mr. Andrew Carollo, Mr. Mike Zimet, and Mr. John Papp. Chairman Baker sat Ms. Ouellette for member Mr. Carollo.

Approval of Minutes

Regular meeting and public hearing, October 12, 2021

- Mr. Prindle made a **MOTION** to accept the regular meeting and public hearing minutes from October 12, 2021, Mr. Curtiss **SECONDED, MOTION CARRIED**

Special Meeting for a Site Walk October 17, 2021

- Vice Chair Victoria Sahadevan Fossland made a **MOTION** to accept the special meeting for site walk October 17, 2021 minutes, Mr. Prindle **SECONDED, MOTION CARRIED**

Old Business

ZPA# 21-66 - 37 Brick School Road, Assessor's Map 21, Lot 24-02 / Terry Shook and Cynthia J. Stilson-Shook of 236 Brick School Road / Construction of a proposed horse barn with dwelling unit. (Application withdrawn on 11/2/2021.)

- Ms. Hodza stated that the application has been withdrawn as of 11/2/2021

New Business

- None

Other Business Proper

Membership: Resignation of Derek Westfall (Effective 11-3-2021) and filling of vacancies

- Ms. Hodza read for the record Mr. Westfall's resignation letter to the Commission.
- Ms. Hodza reviewed the Planning and Zoning Ordinance
- Vice Chair Victoria Sahadevan Fossland made a **MOTION** to move Ms. Deb Ouellette to Mr. Westfall's vacant position to a full member. Ms. Schnell **SECONDED; MOTION CARRIED.**
- Chairman Baker will speak with Ms. Carollo regarding Planning and Zoning Ordinance.

Affordable Housing Update

- Vice Chair Victoria Sahadevan Fossland stated that the town voted to approve the affordable housing plan. Thanks to this commission for endorsing the plan.

Re-writing of Zoning Regulations (including status of Request for Proposal) / Plan of Conservation and Development / Ordinances creating and regulating P&Z Commission / Sample By-laws

- There is a request to the consultant to look at our zoning regulations for where we are not in alignment with state statutes which take precedence and to clean up our regulations or update them. Also, to look at our regulations to bring them in line or help support our Conservation and Development. Also, to ask the consultant to help us create the bylaws which clearly define what our quorum is. asking the consultant to come in and work with us on that and we were working with cog but then it turned out to use the person we were working with through cog, which cog exists to assist us. Northwest Connecticut Council of Governments, so those are professionals who have professional degrees and know all the ins and outs of laws to assist all anyone in any town who's on these Commission's because we're all volunteers. So, we were working with someone from cog, but then she notified us that if we were to continue working with her, we needed to hire her as a consultant which then necessitated us putting out a call for proposals are a request for proposals. So, we're in the process of drafting that with someone from cog so we can put it out and then consultants can submit a proposal to us and we can hire them. And we have funds already in our budget that are just you know; the clock is ticking away. But we would like to use those funds to address these issues. So that kind of, I hope gives you a status of we're finishing our draft of the request for proposals and we'll circulate that to the group

Discussion of Richelle Hodza's Hours

- Vice Chair Victoria Sahadevan Fossland reviewed that this year alone there has been tremendous growth in the town and that Ms. Hodza the Land Use Officer is very overwhelmed working with three Commissions. The town did hire Ms. Hodza an assistant Ms. Hoskinson who has been a tremendous help for Ms. Hodza. Vice Chair Victoria Sahadevan Fossland thinks that it might be a good idea to write a letter to the board of selectmen that there might be recommendations to be able to split some of the responsibilities and thanking the board of selectmen for finding assistance for Ms. Hodza in the office but to again, reiterate that Warren is still growing, significantly right now, and so that means there are more applications.

Zoning Enforcement Officer's Report

28 Reed Road / Star Meduri / Demetrio Meduri / Operation of a business, history of violations, recent photographic evidence from community, discussion of actions

- Ms. Hodza reviewed 28 Reed rd. property, driveway, and right of way on the property. Tonight's discussion focusses on the many neighbors that are concerned with the activity that is taking place on this property. There's a

question of running an illegal business and disturbing the Wetlands. At this time the applicant has an application in with Inland and Wetlands and this concern is being brought to Planning and Zoning because if it's approved by IWC the next step will be to coming to Planning and Zoning.

Correspondence Received

- None

Opportunity for Public Comment

- Robin Ploch, 18 Reed Rd, stated that she is very concerned with the activity that Mr. Meduri is doing on the property of 28 Reed Rd. There have been words between the applicant and Ms. Ploch and the police have had to be called. She feels that Mr. Meduri is very threatening, and he is running his business on this property because there's trucks and equipment going in and out of 28 Reed rd. at all hours of the morning.
- Ms. Hermann Tammen, 50 Curtiss Rd, suggested to Ms. Hodza to create a staff report, is there a way to pressure (him) to apply to the regulation? Thirdly, disagree with the statement by the Chairman tonight, that 31.4 is his interpretation, there is no interpretation, it's a 3-line sentence in the regulations.
- Jennifer Benham, 14 Reverie Ln- states that the only driveway the neighbors can use is Mr. Meduri's highway, and he uses this all the time and is ruining their driveway. He also enters the driveway from the Stuart's property with their permission. At this time is shows on an aerial shot that this location 28 Reed rd. has 3 driveways to enter this location.

Adjournment

- Mr. Prindle made a **MOTION** to adjourn the meeting to the next regular meeting of December 14, Vice Chair Victoria Sahadevan Fossland **SECONDED**, **MOTION CARRIED**.

Meeting adjourned: 10:07pm

Respectfully Submitted,

Robin Tanner-Hoskinson,
Recording Secretary
11-15-2021 8:50 pm

Link to Zoom Recording:

https://us06web.zoom.us/rec/share/l70W8TDslenMtL9YgiuH7Ut1nR2w5kLMF1pWqfyvzsX_vioKigupjGefOmGREsm6.d1nJHO84o-z6hviY