



TOWN OF WARREN
PLANNING & ZONING COMMISSION
50 Cemetery Road, Warren, Connecticut

Regular Meeting Minutes - Tuesday, April 4, 2023rd

The hybrid meeting of the Town of Warren Planning & Zoning Commission was called to order at 7:02 by Chair Victoria Sahadevan Fossland. Members present in person were Pete Sandberg, Jack Baker, Paul Prindle, and Deb Ouellette. Joanna Mansfield was present on Zoom. Alternate members present in person were Lee Vance and Aaron Schiller. Absent members were Andrew Carollo and Ryan Curtiss. Dr. Sahadevan Fossland seated Lee Vance for Ryan Curtiss and Aaron Schiller for Andrew Carollo. Janell Mullen was present as land-use staff. Applicants present included Paul Szymanski, PE, of Arthur Howland & Associates, Sam Sabin of Sabin Landscape Architects and Environmental Planner. Other members of the public attending in person included John Lyons, Bertrand Ouellette, Cindy Shook, Cynthia Warshaw, Robin Ploch, Roland Corsi, Bob Newton, and Casper Grathwohl. Those attending via Zoom included Hermann Tammen, Waltraud Tammen, John Masotti, Celia Ucciardo, and Attorney Joseph Capalbo.

Chair Sahadevan Fossland stated that there was an item to add to the agenda: Janell Mullen added that it was a Special Exception application, ZPA#22-7, which proposed installation of a dock at 369 Lake Road and required a Special Exception pursuant to Section 14.4.1 of the [Town of Warren Zoning Regulations](#). Jack Baker moved to add this item to the agenda. Deb Ouellette seconded the motion. The motion passed unanimously and the item was added to the agenda under Item #7, "New Business"

Chair Sahadevan Fossland moved on Item #3- Approval of Minutes. She stated that there were no minutes from the regular meeting of March because the P&Z was unable to establish a quorum. Janell Mullen added that there were regular meeting minutes of the February 7, 2023 meeting which had yet to formally be approved. Jack Baker moved to approve the minutes of the February 7th meeting as written. Chair Sahadevan Fossland seconded the motion. The motion passed unanimously.

Chair Sahadevan Fossland moved on to the next item on the agenda Item #4 - Correspondence Received. Janell Mullen stated that she had received nine (9) items related to the continued public hearing Item 5B, which addressed the proposal on Kent Road and Brick School Road. She stated that she would include those items as a part of the record once the public hearing had been resumed. Chair Sahadevan Fossland also asked Janell Mullen to inform the Commission of another correspondence item received regarding 39 Arrowpoint Road. Janell Mullen stated that she had received communication from the property owner's attorney that stated that they would seek a modification to the original approval, which was a Special Exception for a single-family home. The modification proposed a tree farm as the primary use of the property with a dock as a secondary structure. Janell Mullen stated that she would follow up with the applicant's attorney because she had concerns with compliance with the open permit as well as concerns with the proposal. It was noted that no formal application for this modification has been submitted to either the Inland Wetlands & Conservation Commission (IWC) or the Planning & Zoning Commission (P&Z) at this time. Chair Sahadevan Fossland confirmed with Ms. Mullen that this modification would need to be addressed by the IWC before it could come before the P&Z for consideration. Janell Mullen stated that she would keep the P&Z informed on this matter.

The next item on the agenda, #5A, involved a public hearing that had been continued from the February 7th meeting involving application ZPA #22-5, Paul Szymanski on behalf of Kickles, LLC, applying for a Special Exception at Kent Road & Brick School Road (Assessor's Map 21, Lot 27) to allow for a single-family home, driveway, and other site improvements. In accordance with the regulations, this Special Exception was required because it had been submitted before the P&Z updated the zoning regulation's Section 22.0 which pertains to Excavation and Grading.

Member Deb Ouellette recused herself from the proceeding of Item 5A on the agenda by exiting the meeting room. Chair Sahadevan Fossland resumed the public hearing by inviting Paul Szymanski to approach the Commission as the representative of the applicant, Kickles, LLC. He stated that he had made one modification to the plan which was a reduction in the driveway width to 12' as indicated on the plan entitled, "Proposed Site Development Plan" revised to 3/2/2023. He stated that he had no further information to present to the Commission at that time.

Chair Sahadevan Fossland asked the applicant the amount of earthwork associated with the proposal to which Paul Szymanski replied, "Four hundred and fifty (450) cubic yards."

Next, Janell Mullen stated that she had re-published a notice in the newspaper to notice the hearing. She also listed the nine (9) items of correspondence that she had received and considered "Correspondence Received". She listed the name of sender, date received, and method of delivery. She read the ninth item received into the record verbatim as requested by the sender, Bertrand Ouellette, and which was dated April 4, 2023 and received via email at 5:22 pm by the Land Use officer. As requested, she also read into the record an email received from Hermann Tammen verbatim. She stated that she had scanned items that had been received in March pertaining to this application onto the P&Z website. She also stated she had received a flurry of communication from one sender between 4 pm and the scheduled meeting time of 7 pm and that they had requested the correspondence be filed as a part of the record.

Chair Sahadevan Fossland then asked the Commission if they had any questions for the applicant while the public hearing remained open. Jack Baker stated that the Special Exception is associated with a proposal for a single-family dwelling and Section 22.0 - Excavation. He stated that the Commission is tasked to evaluate the information as presented in the application and that the applicant had applied for a single-family home and the Commission should consider it as such. Next, Lee Vance spoke with regards to Section 31.5- The General Criteria for approving a Special Exception and specifically discussed 31.5.3 which was related to the character of the surrounding properties and 31.5.4 which stipulated that vehicular traffic of the proposed use would be consistent with the existing traffic. Paul Szymanski stated that the driveway outlets onto Kent Road, which is a state roadway.

Chair Sahadevan Fossland then stated that she would be opening the public hearing to public comments. She stated that she would limit speakers to two (2) minute statements and anyone who wished to speak longer than that would have another turn after hearing all those that wished to speak. She also reminded those present that public hearings are not intended for the public to engage in a back in forth discussion with the applicant and/or members of the Commission, but rather to allow the public to voice their concerns and/or support of the project. She opened the floor to those attending in person before turning to hear from those on Zoom.

The first member of the public to speak was Cynthia Warshaw of 219 Kent Road. She stated that she supports the statements made in the Official Correspondence Received from Celia Ucciardo, Hermann Tammen, and Bertrand Ouellette. The next member of the public to speak was Robin Ploch of 18 Reed Road who stated that she was an avid car collector and saw no problem if a property owner wanted a large garage and "they have every right [to do so]." Ms. Ploch stated she would like to store her cars on her property without her home being considered a home business. Next, Cindy Shook of 268 Brick School Road spoke in support of the application and stated that there was nothing wrong with a young family coming to town to establish a single-family home. On Zoom, Attorney Joseph Capalbo of Stamford, representing Michelle Soos of 187 Kent Road, stated 80% of the single-family dwelling would be a garage and questioned if it would be a single-family home. He urged the Commission to deny the application. Celia Ucciardo of 31 Brick School Road asked about the updated floor plans and whether the project was being misrepresented. She asked about the twelve-foot (12') garage doors, stating that this proposal leaves people to believe it will be a home business and/or a commercial operation similar to their original proposal in a previous application. Herman Tammen referred to page 90 in the Town of Warren Zoning Regulations and cautioned the Commission to carefully review each of the General Criteria of 31.5 to ensure that the application could satisfy each and every one of them, specifically noting items 31.5.2 and 31.5.3.

Turning back to the public present in person, Robin Ploch asserted that large doors shouldn't be immediately associated with a commercial operation and she would love to have eighteen foot (18') doors in her garage. Cynthia Warshaw spoke again and stated that she didn't want to question the application, but she was concerned about possible contaminants. Bertrand Ouellette of 11 Brick School Road then stood up to speak and stated that it was obvious what the building was going to be used for. He stated that it was the same as a previous application for the same property that had come before the Commission. Waltraud Tammen of 50 Curtiss Road, commenting via Zoom, stated that her concerns dealt with the incorrect details on the application. She felt that it was incomplete due to the lack of architectural plans. Celia Ucciardo then spoke again and asked if the site be considered a business if the property owners were to sell. She also asked if this would be opening a slippery slope into a commercial zone.

The applicant, Paul Szymanski then briefed the Commission on the scale and mass of an abutter's home in response to the concerns regarding General Criteria 31.5.3. Pointing to aerial maps, Mr Szymanski stated 187 Kent Road had very similar square footage as that in the application under consideration, including outbuildings of a similar size and a similar percentage of disturbance to the overall acreage of the lot.

A member of the public attending on Zoom, John Masotti of 187 Kent Road, stated that he didn't like that the applicant was using his property as an example. Bertrand Ouellette then asked if he would be able to ask a question of the ZEO. Janell Mullen stated that he would be allowed to do so, and that she would do her best to answer, but was not obligated to do so during the public comment. Mr. Ouellette asked if she had read the legal letter associated with the Sawing High Climbers proposal of the past application. Janell Mullen replied that she was familiar with it, had read it as background for the evaluation of this application, but did not see it as germane to the discussion at hand. The current application, which had been received on January 3, 2023 with its proposal for a single-family home with associated improvements and grading was what was being considered before the Commission. The past application was no longer on the table. Cynthia Warshaw then spoke for a third time stating that due to the shape of the lot, the abutters will see the house. Chair Sahadevan Fossland asked if anyone else cared to speak to the application. Aaron Schiller moved to close the public hearing at 8:01 pm. Jack Baker seconded the motion. The motion passed unanimously.

Chair Sahadevan Fossland moved on to the next public hearing which was associated with the application ZPA #22-6 Paul Szymanski on behalf of Waramaug 159A, LLC. This proposal was for 159 No. Shore Road, Assessor's (Map 45, Lot 15). Due to the excavation activity, which exceeded 1,000 cubic yards, a Special Exception for a single-family home, driveway, garage, spa, pergola, in-ground pool, and sport court would be required per the newly amended Regulations.

Paul Szymanski began the presentation by explaining the site plan dated January 27, 2023. Chair Sahadevan Fossland mentioned that most of the Commission was familiar with the site having been on a site walk for a previous proposal that was no longer being considered. Paul Szymanski stated that 2, 200 cubic yards of material would be associated with the site improvements. He referred to the plan sheet "SDS1" which details the walk-out basement excavation. He stated that the pool would require grading due to its depth however the pickle ball court would not. He stated that one truckload contained about fifteen cubic yards of material and that this construction would take place over the course of eighteen months (18). Chair Sahadevan Fossland asked about what percentage of the grading would be associated with the septic excavation. Paul Szymanski stated that about fifteen percent (15%). He also stated that work has been conducted on this site when it was known as the "Hippie Camp" and that boulders that had been stockpiled would be removed to provide for better drainage. Aaron Schiller asked the applicant about the total square footage of the proposal now versus what had previously been submitted to the Planning & Zoning Commission. Paul Szymanski stated that it had been reduced and that there would be less disturbance. Deb Ouellette asked about the "wood road" that was referred to on the site plan. The applicant stated that it would remain behind the structure.

Chair Sahadevan Fossland asked if any member of the public cared to speak. Hermann Tammen of 50 Curtiss Road stated that he had concerns with the previous Inland Wetlands & Conservation Commission approval and also questioned the total number of bedrooms since it has increased. There were no more public

comments. Jack Baker moved to close the public hearing. Paul Prindle seconded the motion. The motion passed unanimously.

The next item on the agenda was #6 Old Business. Item A involved a discussion about ZPA #22-5. The application involved the public hearing that had closed earlier in the evening. The proposal was for a single-family home, driveway, and other site improvements and was subject to a Special Exception due to Zoning Regulations Section 22.0, which has since been amended. Pete Sandberg began the Commission discussion by stating that it was a proposal for a single-family home with a large garage. Chair Sahadevan Fossland followed by stating that the Commission doesn't regulate what is in a garage and mentioned that she had visited the site during a previous site walk for the earlier proposal and that it was a sizeable property. She also stated that at this time, a business is not a component of the application. Pete Sandberg also stated that the appearance/aesthetic of the house was not up for discussion. He added that what people like appearance-wise and don't like depends on their taste and that was not relevant to the discussion. Aaron Schiller added that the house would be situated on Kent Road and that the state road is subject to a high volume of traffic. He also stated that the P&Z does not have programmatic jurisdiction of the prescribed uses. Paul Prindle stated that the application as presented appeared to be legal or in line with the Regulations. Joanne Mansfield asked about the differences in the applications and Jack Baker stated that the earlier application for this property had a commercial component while the current application does not. Jack Baker further stated that a lot of properties in Warren house and store commercial vehicles overnight. Lee Vance asked about possibly conditioning the application in the same manner that which it was conditioned when the previous approval had come before the Commission. Janell Mullen stated that this would be inconsistent with how other single-family homes were regulated. They were not conditioned in the same manner and she would advise against it. She also referred to section 31.6 Conditions of Approval which lists what specifically the Commission can consider when imposing conditions on approvals. Pete Sandberg moved to approve the application ZPA #22-5 for a single-family home at Kent School and Brick School Road based on the fact that it satisfied the General Criteria mentioned on page 90 of the Town of Warren Zoning Regulations. Jack Baker seconded the approval motion. All members voted in favor except for Paul Prindle who voted against the approval motion. The motion carried.

The Commission then moved on to discuss Old Business Item B. ZPA #22-6 Paul Szymanski on behalf of Waramaug 159A, LLC which involves 159 No. Shore Road (Assessor's Map 45, Lot 15). This application was for a single-family home, driveway, garage, spa, pergola, in-ground pool, and sport court and was subject to a Special Exception due to the extent of the excavation and grading. Pete Sandberg began the discussion by asking about the truck traffic and the sightlines. Janell Mullen stated that she had a meeting with CT DOT the following day and would reach out to them to get them a copy of the site plan. Jack Baker discussed that it would be helpful to have a site engineer to assess and/or suggest how to mitigate stormwater run-off from the site during the construction. He also requested further explanation of the construction sequencing be outlined. Others agreed that the input of a third-party engineer to assess the impact during construction of the on-site drainage and overall impact of the proposed project to the neighboring properties and the lake should be considered.

The last and final item on the agenda under Old Business Item C. Review of Home Business Regulations. Chair Sahadevan Fossland turned the floor over to Janell Mullen who stated that this general topic often comes up, especially when it comes to complaints and enforcement issues. It was her understanding that the "Home Business" rules, that begin on page 52 of the Regulations, have not been consistently enforced since their adoption. She stated of very few instances of approved applications for home businesses which led her to believe that there must be a better way to regulate them and to manage their permitting. She wanted to bring this topic to the attention of the Commission since they are the shepherds and interpreters of the Regulations and that she would need their guidance when it comes to enforcement. Aaron Schiller asked is she could bring examples of other towns and how they are regulation home businesses. Lee Vance also asked about how noise is being regulated since the complaints usually involve some component of noise. Aaron Schiller asked about how to best mitigate outdoor storage. Jack Baker also stated that the home businesses should be asked to provide the Town with their State license for their business since that is another added layer of oversight and

coordination across agencies. Janell Mullen also stated that the terms “home occupation” and the term “home business” are not defined within the regulations. Since this would be a big enforcement task that would involve a lot of time; she felt it was appropriate the Commission weigh in before taking any enforcement action associated with complaints due to home businesses.

The next item on the agenda was New Business #7- ZPA #22-7 a dock installation at 369 Lake Road. Sam Sabin of Sabin Landscape Architects and Environmental Planner approached the Commission with the property owner, John Lyons. He gave the Commission some background to the application, which had been summarized within the supplemental information that was filed with the application and posted online. He stated that 14.4.10 stipulates that “A Special Exception Permit may be issued for a dock to be placed closer than 25 feet to the lines of extension if the Commission finds that the applicant cannot reasonably meet the 25-foot setback due to the size or shape of the lot, location of physical obstructions such as rock, or the location of sensitive natural resources at the shoreline or within the lake.” Jack Baker asked why this application was not going before the Zoning Board of Appeals. Janell Mullen stated that she was in agreement with Jack Baker’s approach and that any variance to the Zoning Regulations should go before the ZBA as supported by Connecticut General Statutes (CGS) and case law, but until the regulations are updated, they would need to follow the regulations as written. She mentioned that she has highlighted other areas of concern within the regulations since there were a lot of opportunities for the Commission to vary their Regulations, which was not supported by CGS and case law. Chair Sahadevan Fossland moved to set the hearing for their next regularly scheduled meeting, which would take place on Tuesday, May 2nd.

The next item on the agenda was #8A Other Business Proper Item- New Alternate member. Janell Mullen stated that the town administration had brought to her attention that thirty days had passed since the alternate seat became unoccupied due to moving then-alternate Joanne Mansfield to the regular member seat left vacant by Ruth Schnell’s resignation. At this time, the Board of Selectmen would now have to appoint an individual to the vacant seat. Two residents had expressed interest. A resident in the audience introduced himself. Casper Grathwohl of 65 Town Hill Road stated that he had observed the meeting and felt that although it is a challenging role to serve the Planning & Zoning Commission, he would be interested in becoming involved and learning more about what the role entails. He indicated that he was an editor at Oxford University Press, but did not have the experience of a builder, architect, or anyone in the land-use field. He asked what he could do to be most effective. The commissioners agreed to recommend him to the Board of Selectmen and would include him within that communication.

The next item on the agenda was Commissioner Training. Janell Mullen stated that the March 11th training that was presented online by the CT Bar Association was very informative. She mentioned that the Office of Policy and Management would only require two (2) hours of Commissioner training every other year. She mentioned that she would keep the P&Z apprised of any new updates and/or training opportunities.

Chair Sahadevan Fossland introduced Item #9 on the agenda- Zoning Agent’s Report. Janell Mullen stated that a tab had been created for Zoning Reports and that these were being uploaded monthly to the P&Z webpage for anyone to reference. She asked any member of the Commission if they had any questions. Chair Sahadevan Fossland asked about the inspection at 197 Brick School Road regarding accessory apartment regulations. Ms. Mullen stated that she will often go to a site to discuss a potential project with a property owner rather than meet in the office so that the parameters of the property can be better understood preliminary. There were no other questions.

The final item on the agenda was the Opportunity for Public Comment. Chair Sahadevan Fossland recognized Robin Ploch of 18 Reed Road stated that it was about time the Commission and the ZEO address the enforcement of the home business regulations. She mentioned being menaced by noise and stockpiling of materials by neighbors to her private property. She also stated that she felt that commercial vehicles should not be able to drive on residential streets. She stated that she loved her home, but found the neighboring business activity unbearable and really wanted the Commission to take the issue around home businesses seriously so that they rules could be enforced. Roland Corsi, also of 18 Reed Road was then recognized and stated that they were constantly being disturbed at their property at 6 am by trucks, deliveries, and the revving of engines. He urged

the Commission to enforce the Regulations even without improvements. The final member of the public that asked to be recognized was Bertrand Ouellette of 11 Brick School Road. He stated that the Home Business regulations were an important topic of discussion. He stated that he understood the Planning and Zoning Commission's reasoning for approval of the Kickles application, but feared that a similar situation as to what the previous speakers had described on Reed Road would happen near him.

Paul Prindle moved to adjourn the meeting. Deb Ouellette seconded the motion. All were in favor. The meeting was adjourned at 9:40 pm.

Respectfully submitted,

Janell Mullen
Town of Warren
Land-Use Official
April 6, 2023