

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

Regular Meeting Minutes

Tuesday, May 2, 2023

**\*Due to technical difficulties, the remote Zoom component of this meeting was unavailable.\***

The regular meeting of the Town of Warren Planning & Zoning Commission was called to order by the Chair Victoria Sahadevan Fossland at 7:06 pm, after attempts to make the meeting accessible to the public via Zoom were unsuccessful. Commission members present were Paul Prindle, Jack Baker, and Debbie Ouellette. Alternates present were Lee Vance and Casper Grathwohl. Absent were Andrew Carollo, Ryan Curtiss, Joanne Mansfield, Pete Sandberg, and Alternate Aaron Schiller. Warren Land Use Official, Janell Mullen was present. Those present in the audience included the applicant Lily Binns and Jojo Gentry. Prior to opening the meeting, Lee Vance was seated for Andrew Carollo and Casper Grathwohl was seated for Ryan Curtiss.

Chair Sahadevan Fossland presented two items to add to the agenda. She moved to add new application, ZPA #23-3, a proposal for an accessory apartment at 197 Brick School Road, to 7a under "New Business." Deb Ouellette seconded the motion. The motion passed unanimously. Chair Victoria Sahadevan Fossland also suggested adding to the agenda under "New Business," item 7b "Disclaimer regarding Zoom Access." Jack Baker moved to add this item to the agenda. Paul Prindle seconded the motion. The motion to add item 7b "Disclaimer regarding Zoom Access" to the agenda passed unanimously.

Discussion moved to the second item on the agenda, "Approval of Minutes – Regular Meeting April 4, 2023". Deb Ouellette clarified that during the public hearing when she had recused herself, she had left the table yet she had not left the room. It was suggested that on page 2 the following amendment be made to the minutes: "Member Deb Ouellette recused herself from the proceeding of Item 5A by leaving the table." With the amendment, Jack Baker moved to approve the minutes of the Regular Meeting of April 4, 2023. Deb Ouellette seconded the motion. The motion passed unanimously.

The third item on the agenda was "Correspondence Received." Janell Mullen stated that a letter had been received from Secor, Cassidy, and McPartland on behalf of the abutter to the subject proposal ZPA #23-1 involving 396 Lake Road and the proximal lake property. This proposal involved the installation of a dock. Janell Mullen stated that she had emailed this letter to the members of the Commission and had posted the correspondence online.

Subsequent to receipt of the aforementioned letter, the applicant had made Land Use Officer Janell Mullen aware of their wish to table the public hearing (Item 5a on the agenda) until the P&Z Commission's regular meeting on June 6, 2024. Ms. Mullen stated that a parcel id number that was carried over from the applicant's cover letter to the Public Notice would be corrected and clarified as requested by the applicant.

As agenda item 5a, Public Hearing on ZPA #23-1 had been tabled, attention turned to "Old Business" Item 6a, ZPA #22-6 Paul Szymanski on behalf of Waramaug 159A, LLC / 159 No. Shore Road, Assessor's Map 45, Lot 15, the Public Hearing for which had been closed regarding the Special Exception application for a single-family home, driveway, garage, spa, pergola, in-ground pool, and sport court. It was acknowledged by the Commission that despite the prior request for a third-party engineer's assessment of the project, no new information could be received by the Commission, but they could condition the approval with a bond to ensure completion of the work and that the drainage controls were in place. The Chair re-stated that the objective of the bond would be protection of Lake Waramaug and to ensure that the development would not be detrimental to surrounding properties.

The applicant Paul Szymanski joined the room as the applicant representing Waramaug 159A, LLC at this time (7:20 pm).

Ms. Mullen added that the standard condition of all Special Exception Applications could involve the required submission Construction Progress Report to be submitted monthly by the project team. This report contains information such as the point of contact in the field, any updates/modifications to site plans, the materials being brought to and leaving the site, as well as a summary of the construction plan for the month ahead.

The Commission then discussed various bond amounts that they considered to be appropriate and acknowledged that the Regulations should stipulate a bond amount commensurate to the valuation of the overall project. Janell Mullen stated that this particular project involved a property that was about three (3) acres in size. The Commission agreed to set a \$50,000 bond amount for the project at hand.

Chair Victoria Sahadevan Fossland moved to approve the Special Exception ZPA #22-6 159 No. Shore Road for the development of a single-family home, driveway, garage, spa, pergola, in-ground pool, and sport court on the following conditions:

- a. The P&Z would secure a bond in the amount of \$50,000 to ensure protection of Lake Waramaug, proper drainage features, and to ensure the active preservation of natural, scenic, archaeological, and/or historical features proximal to the lake. The bond would be released upon the issuance of a Zoning Certificate of Compliance at the project's completion.
- b. A monthly Construction Progress Report would be submitted by the project team to the Land-Use Office during the course of construction.

Casper Grathwold seconded the motion to approve. The motion passed unanimously.

The second item under “Old Business” (6b) was Review of Home Business Regulations. Janell Mullen distributed a memorandum to the Commissioners that she had prepared that included the current Zoning Regulations pertinent to “Home Businesses” from Warren, Kent, and Cornwall. The Chair requested that Washington be included in this review of neighboring towns’ home business regulations and Lee Vance asked requested the review include Litchfield’s home business regulations. Lee Vance discussed the ambiguous/subjective nature of most of the example regulations on the current list. He stated that his main concerns associated with home business included traffic, noise, and external storage.

The Commission discussed the need for clarity and the ability to enforce the Regulations, including possible distinction between discretionary uses and non-discretionary uses within with residential zones, noting the difficulty of distinguishing a commercial use from a residential use with certainty. Deb Ouellette asked whether existing businesses would be “grandfathered” under new regulations. Jack Baker added that anything not permitted explicitly in the Regulations is prohibited, and therefore, prior to the adoption of the “home business” section this use was not permitted.

Chair Victoria Sahadevan Fossland suggested that the discussion continue at the next meeting, when the pertinent regulations in Washington and Litchfield could be considered as additional examples surrounding towns.

Next, the Commission turned to item 7a under “New Business”: ZPA #23-3 involving the establishment of a detached accessory dwelling unit (“accessory apartment”) at 197 Brick School Road. Chair Victoria Sahadevan Fossland recused herself from the discussion by leaving the table. Janell Mullen stated that she had review the application with the applicant and deemed it complete. A site plan and payment has been received. Member Deb Ouellette questioned if the application was complete because Item 5 “Approval Criteria” had not been filled out. Janell Mullen noted that this was a good point and that the form could be changed to read “Please provide information and/be ready to provide information” so that applicants were aware of the basis of any Special Exception evaluation. Jack Baker moved to accept the application as complete and to set the Public Hearing for the next regularly scheduled meeting, which would take place on June 6<sup>th</sup> at 7 pm. Lee Vance seconded the motion on the floor. The motion passed unanimously.

Lee Vance noted the current Zoning Regulations appear to use the terms “accessory dwelling unit” and

“accessory apartment” interchangeably. Ms. Mullen stated that current state statutes use the term “accessory dwelling unit.” Chair Sahadevan Fossland suggested clarification of this language be addressed as the Commission works to update our regulations.

The next item on the agenda was newly added 7b “Disclaimer for Zoom Access”. Chair Victoria Sahadevan Fossland suggested that additional language be added to the agenda in light of the fact that accessing Zoom was problematic for this particular meeting. The Commission drafted new language to add to the agenda: “Please be aware that due to technical difficulties, on occasion Zoom may be unavailable. To ensure your participation, please attend in person.” Deb Ouellette moved to add this language to the agenda from this point forward. Lee Vance seconded the motion. The motion passed unanimously.

The third and final item under “New Business” was item 7c, Fiscal Year Budget 23-24. Janell Mullen distributed the budget information provided to her by the administration. She stated that the budget would not change from the past fiscal year. She also stated that she was aware that line items were kept separate and that the budget hearing was scheduled for Thursday night should anyone have specific questions.

Item 8 on the agenda was “Other Business Proper.” The Commission welcomed new alternate member Casper Grathwohl and asked if he had any questions. Item 8b, Review of Ordinance regarding attendance at meetings was introduced by Chair Victoria Sahadevan Fossland. She stated as a point of information that the ordinance establishing the P&Z Commission stipulates that after three (3) consecutive absences that members could be removed from the Commission. The Commission discussed the importance of the active participation and engagement of all members and stressed how essential it was to keep business moving.

Item 8c involved Commissioner Training– upcoming opportunities. Janell Mullen stated that the new edition of “What’s Legally Required” by Atty Mike Zizka was now available and that she had made sure there were funds in the budget so that each Commissioner could have a copy. Ms. Mullen stated she would order a copy for each Commissioner to pick up from Town Hall.

Item 9 was the Zoning Agent’s Report for the month of April, which the Commission reviewed. It was noted that the lot line modification and update to impervious surface calculations at 53 Curtiss Road still awaited correct and that item had been pending for some time.

No members of the public were present for the Public Comment period. Commission Member Jack Baker suggest that they add an item to the agenda at the end “For the Good of the Commission” to give Commissioners the opportunity to close a meeting with a parting thought or comment, etc. Everyone agreed this would be helpful.

Paul Prindle motioned to adjourn the meeting. Chair Victoria Sahadevan Fossland seconded the motion to adjourn. The motion was passed unanimously and the meeting was adjourned at 8:53 pm.

Respectfully submitted,

Janell Mullen  
Town of Warren Land-Use Official  
Monday, May 8<sup>th</sup>