



TOWN OF WARREN
ZONING BOARD OF APPEALS
REGULAR MEETING and PUBLIC HEARING MINUTES
Wednesday, November 18, 2020 – 7:30 pm
Via Zoom Conferencing (See Recording Link Below)

Present were Rick Valine, Chairman, Raymond Furse, Vice Chairman, Member Bill Hopkins, and Robin Ploch, Alternate. Member George Githens was excused as was Alternate Thomas Paul. (There remains one vacant member seat and one vacant alternate seat.) Joanne Tiedmann started the videoconference, then turned the host privileges over to Richelle Hodza, Land Use Official.

Call to Order and Designation of Alternates

Chairman Valine called the meeting to order at 7:33 p.m. Ms. Ploch was seated for George Githens.

Approval of Minutes

Regarding the July 22, 2020 minutes, a MOTION was made by Mr. Furse to approve as written; his motion was SECONDED by Ms. Ploch. All were in favor. The MOTION CARRIED.

The October 28, 2020 minutes had a MOTION to approve by Mr. Furse, with a SECOND by Mr. Hopkins. The three members who were present at that meeting voted to approve. The MOTION CARRIED.

Public Hearing

Chairman Valine opened the Public Hearing in the matter of ZBA Application No. 2020-09-01-VAR / Michael and Claire Guadagno / 31 Arrow Point Road / Request for variance to allow the replacement and enlargement of an existing shoreline deck. Appellants seek relief from Warren Zoning Regulation Section 14.2.1A, which requires that all structures be set back at least 100 feet from the shoreline.

The applicant Mr. Guadagno described the nature of his plans and the hardships imposed by the topography of the shoreline as well as the need for safe use of the existing structure. He outlined the history of the existing deck, which is at least 22 years old, and explained that it serves as the anchor for the walkway to the dock. Its replacement is needed owing to deterioration, and it must be enlarged in order to safely accommodate usage as is customary of such features at similar lakeshore homes. 8.9 x 13.8 feet 12 x 24 deck.

Mr. Furse asked for clarification on previous applications. Ms. Hodza explained that the previous application for a variance had been withdrawn. Mr. Furse pointed out that the increase in size was more than the 37 feet stated in the application. Ms. Hodza concurred that the math was off in area calculations and doubles the current size; but that the dimensions sought by the applicant 12' x 24' were reliable. Mr. Furse asked about the other features, such as the rain gardens.

Mr. Guadagno indicated that Mr. Sean Hayden of the Lake Waramaug Task Force had reviewed the project and was going to assist in the design of the rain gardens to mitigate overland water flow.

Mr. Hopkins said he had been to the property and while he was neutral on the request, he saw no reason to deny the variance.

Ms. Ploch said she had seen the property from the water side while kayaking and stated that she had observed the unusual shoreline topography. She further stated that she saw no way in which the simple enlargement of the existing deck would have any adverse effects.

Ms. Hodza stated that she had taken a walk of the site with Mr. Guadagno who had explained the flow of stormwater.

Mr. Furse wondered why this was not an issue for the Zoning Commission under special exceptions. Ms. Hodza explained that it was the size of the deck that necessitated a variance by this Board.

Mr. Valine referred to the letter of August 17, 2020 addressed to Land Use Officer, Richelle Hodza, and asked about the floatation devices and docks mentioned therein, which were blamed as one of the reasons that the deck had not previously been enlarge as planned five years earlier.

Mr. Guadagno explained that the replacement of the dock had taken longer than he had anticipated once he returned to the project of replacing the deck to which the dock was attached, the wetlands permit had expired.

Ms. Hodza wanted to have assurances from the Applicants that the new deck will be no closer to the shoreline than the existing deck. Mr. Guadagno understood that the increase was to be on three sides only, such that the existing location of the deck in relation to the shoreline would be maintained; in fact, the position of the existing deck must be held, since it is the anchor for the dock.

Mr. Valine opened comments to the public. First to be recognized was Mr. Hermann Tammen of 50 Curtiss Road. Mr. Tammen said that his deck was the size of Mr. Guadagno's present deck and that he could have a table and four chairs and walk around it, so he didn't think it was a safety issue. He also thought that the Lake Waramaug Task Force should be contacted for a review. Furthermore, Mr. Tammen thought that all the proper commissions should be involved, including the Wetlands Commission and the Zoning Commission. These Commissions, stated Mr. Tammen, have the specialized knowledge to deal with these particular issues.

Mr. Guadagno stated that the Inland Wetlands and Watercourses permit was issued. He also stated that the Lake Waramaug Task Force's Sean Hayden had already been to the site and was aware of the plans and would be working on the rain gardens. He added that his family is larger than four people.

Ms. Hodza explained that some towns require an application to be denied by the Zoning Commission before it can be heard by the Zoning Board of Appeals; however, it is customary in Warren to have the applicant go directly to the ZBA if the proposal clearly does not meet the regulations.

Mr. Keith Galley owns the vacant lot to the north. He wanted to confirm that the proposed deck will be lower than the existing deck, since he had seen the earlier withdrawn application, which proposed more substantial construction with stone walls. Mr. Guadagno confirmed that the plan was to lower the deck to ground level. Mr. Galley was also concerned about the rain garden, especially about the potential for ponding.

Mr. Guadagno explained the problems with drainage and ponding, which cannot be prevented, but can be ameliorated by the installation of rain gardens. He lamented the Town's neglect to install a drainage system for the road at the time the Point was being developed. Such a drainage system for the road would mitigate the problem.

Hearing no further comments, Mr. Valine made a MOTION to close the Public Hearing. Mr. Furse SECONDED. The MOTION CARRIED.

Mr. Furse asked whether an approval would set a precedent and more particularly what the ramifications of the allowance of the variance would have.

Ms. Hodza stated that indeed, a precedent would be set inasmuch as a future owner could point to the variance; however, it is the commission's charge to decide on the application before it, vis-à-vis the presenting hardship and not prognosticate about hypotheticals.

Mr. Furse made a MOTION to approve the application for a variance from Section 14.2.1A to increase the existing deck size by 162 square feet to a size of no larger than 12' x 24', but no closer to the shoreline, owing to reasons of safety. Mr. Hopkins SECONDED the motion. Ms. Ploch, Mr. Furse, Mr. Hopkins, and Mr. Valine voted affirmatively. The MOTION CARRIED, 4 – 0 in favor.

Other Business Proper

Mr. Valine asked the Commission for its thoughts on the draft schedule of regular meetings for 2021. The December meeting was not approved. Mr. Valine made a MOTION to accept the meeting schedule without the December 22nd meeting. Mr. Furse SECONDED; all were in favor. The MOTION CARRIED.

Adjournment to the next regularly scheduled meeting on Wednesday, January 27, 2021. Mr. Furse made a MOTION TO ADJOURN; Ms. Ploch SECONDED; the MOTION CARRIED.

Respectfully Submitted,



Richelle Hodža

Land Use Officer Dated: 11/24/2020 7:10 p.m.

Link to recording:

https://zoom.us/rec/share/9ADgHSjzSU53_jkP_gcY7FfrAjqoPmZ3NWI67s76AoyNWV0afMc8nVxM-IliX4D6.jMVntkWDbAv2LEqn