



Town of Warren
Planning & Zoning Commission
50 Cemetery Road
Warren, CT 06754
860-868-7881 x 117

MEMO TO: Warren Planning and Zoning Commissioners
FROM: Kathy Castagnetta, Land Use Officer
DATE: March 24, 2020
SUBJECT: Kent Road (Map 21, Lot 27)

Applicant: Paul Szymanski, P.E.
Property Owner: Theodore E. Theodorsen, Trustee and Mary Irene Theodorsen, Trustee
Property Address: CT Route 341/Kent Road/Assessor's Map 21, Lot 27
Lot Area: 39.9822 acres or 1,741,624 sf
Zone: North Zone

Paul Szymanski, P.E. has submitted an application for a Special Exception and Site Plan Approval to allow construction of a 50' x 80', 4,000 square foot office/barn to be used for equipment storage with an office, a sanitary system, well, driveway, grading and related appurtenances on property located on Route 341/Kent Road, Assessor's Map 21, Lot 27. I have reviewed the following materials which are part of the official application record:

1. Application for Special Exception dated February 5, 2020
2. Letter of authorization from Mary Irene Theodorsen, Trustee, property owner
3. List of Adjoining Property Owners
4. Assessor Field Card
5. Letter on Sawing High Climbers stationary undated and unsigned.
6. Building Proposal Drawings prepared by Lester Buildings for Sawing High Climbers including elevations, building sections, floorplans.
7. Existing Conditions Survey Map prepared for Emma Lozman and Russell Plumb dated January 30, 2020, prepared by Michael A. Natale, L.S.
8. Proposed Site Development Plan, SD.1 prepared for Emma Lozman & Russell Plumb dated January 30, 2020 by Paul Szymanski, Jr. P.E.
9. Proposed Sanitary Disposal System Plan prepared for Emma Lozman & Russell Plumb dated February 1, 2020, by Paul Szymanski, Jr. P.E.
10. Proposed Sedimentation & Erosion Control Details Plan, prepared for Emma Lozman & Russell Plumb dated February 3, 2020
11. Proposed Construction Zoning Location Map prepared for Emma Lozman & Russell Plumb dated January 30, 2020
12. Proposed Site Development Plan prepared for Emma Lozman & Russell Plumb dated January 30, 2020 **revised** 2/27/2020
13. Proposed Sedimentation & Erosion Control Details prepared for Emma Lozman & Russell Plumb dated February 3, 2020 **revised** 2/27/2020
14. Copy of Memo to Paul Szymanski, PE dated February 24, 2020 regarding Public Hearing Notification Requirements per Section 33 (sent by email on 2/24/2020)
15. Confirmation of legal notice publication

16. Letter to Warren Inland Wetlands and Conservation Commission from Spencer Myles, Senior Project Manager regarding addressing staff questions/comments dated February 27, 2020.
17. Infiltration Analysis Based on a 100-yr storm 2/1/2020
18. Water Quality Volume Analysis 2/1/2020

Site Development Plan:

Below is a screenshot of the subject parcel.



The proposed gravel surface driveway will be approximately 1,150' in length and graded and bermed to drain into proposed stormwater infiltration areas along the side of the driveway. The site driveway will be located over 1000 feet east of the intersection with Brick School Road and sight lines from the proposed driveway exceed 630' in both directions. The parking and outside storage area will also be gravel-surfaced. The total area of site disturbance associated with the development will be about two acres of the 40 acre property. The area of construction is relatively flat with well-draining soils. The site construction will involve a cut of 705 cubic yards and fill of 726 cubic yards, for a net fill of 21 cubic yards. The project will require approval of the Torrington Area Health District for the septic system and the CT DOT for the driveway cut.

Proposed Site Operation/Use:

The applicant is proposing to build a professional office and barn-style warehouse under Section 24 of the Warren Zoning Regulations. The proposed 4,000 sf structure will include an office and bathroom, but will be used mainly as storage for Sawing Hill Climbers, a tree services firm. The tree services include pruning, cabling and bracing, lightning protection installation, insect and disease diagnosis and treatment, fertilizing, and removals. The company's arborists are licensed by the Connecticut Tree Protective Association.

A total of four to five employees, using their personal vehicles will utilize the driveway at the start of each day to access the site. There are currently three company vehicles that will be used. The largest vehicle, a Ford F550 has a GVW of 19,500 lbs. No vehicle maintenance will occur on-site and there will be no floor drains in the building. There is a proposed log storage yard outside to the rear of the building. For most jobs, wood is not brought back to the subject property/office site. There are circumstances when a few select pieces of timber are brought back and temporarily stored until enough quantity (30 yards) is collected to have a company (Supreme Forestry Projects) come and remove the wood to bring to their facility for use.

In compliance with Section 10.3, Hazardous Materials, the storing of fertilizers and pesticides will be located inside the building in a storage containment unit specifically designed for the storage of these chemicals as required by regulations and specifically described by the Northeastern Regional Pesticide Coordinators manual

dated November, 2012. No bulk pesticide storage (55 gallons) will occur on site. Transportation of pesticides and fertilizers are of quantities that are not considered hazardous by the State of Connecticut DOT.

Compliance with Warren Zoning Regulations:

- **Section 5 – Uses**
 - The use of Professional Offices and Warehouses are permitted by Special Exception.
- **Section 6 – Area, Yard and Height Requirements**
 - 6.1.1 and 6.1.2 – Buildable Area – The required 20,000 sf (200'x100') buildable area rectangle has been outlined on the proposed site development plan and all required structures are located within the buildable area.
- **Section 9.0 – Driveways** – The proposed two-way, 16' wide driveway is about 1,150' in length with two pull-offs about 60'x8' each.
 - 9.1.2 and 9.1.2 – *Driveways for two-way travel are to be a minimum width of 20'. For driveways serving seven or fewer parking spaces, the Commission may allow the driveway to be reduced to a minimum of 12 feet.* To allow the driveway to be reduced to 16' in width the Commission must consider the anticipated traffic, the length of the driveway, the type of activity on the property, and the character of the surrounding properties.
 - 9.1.4 – *Horizontal clearance of 3 feet on each side of the driveway for the entire length of the driveway must be maintained.*
 - 9.2 Driveway Grades – What is the proposed driveway grade and does it comply with this section?
 - 9.4 – Driveway location and number –
 - 9.4.2 – *No driveway shall be within five feet of any side property line.* Complies.
 - 9.4.3 – *Driveways that serve seven or fewer parking spaces shall be located a minimum of 50 feet from a street intersection, as measured from the center line of such driveway.* Complies
 - 9.5 – Angle of Intersection – *Driveways shall intersect with the public road at an angle of 90 degrees, or as close to 90 degrees as possible.* It appears the driveway intersects at 90 degrees.
 - 9.6 – Turnaround Area – *A turnaround area shall be provided on each lot to avoid backing into the street. Where driveway length exceeds 200 feet, a turnaround area of sufficient size and load-bearing capacity to accommodate emergency equipment shall be provided.* The site plan has been referred to the Warren Fire Department Chief. The applicant should also address how the plan complies with this requirement.
 - 9.7 Pullout Areas – *On driveways exceeding 300 feet in length, the Commission may require pullouts, measuring 8' x 50', to accommodate two-way traffic. Passing areas shall generally be provided at 300 foot intervals, depending on site conditions.* The site development plan complies with this requirement.
 - 9.8 Stormwater Runoff from Driveways – The site development plan proposes methods to manage the stormwater. The applicant should confirm that no stormwater runoff from the driveway will impact the state right of way or the state road.
 - 9.9 Driveway Construction Standards – *Driveways shall be constructed of a durable, non-erodible, load-bearing material capable of supporting emergency equipment up to 50,000 pounds. Driveways shall be paved for a minimum distance of ten feet from the intersection with the road.* The applicant should discuss compliance with this section.

- **Section 10.0 Environmental Performance Standards**

- The applicant should discuss how the proposed stormwater management system complies with the Best Management Practices of the 2004 Connecticut Stormwater Quality Manual and Section 10.6.

- **Section 17 Landscape Requirements**

- Section 17.2 requires *landscaping within the front yard setback of one deciduous tree for every forty lineal feet or a fraction thereof of street frontage. The deciduous trees shall be planted between 30 and 50 feet apart. The applicant may submit an alternative landscaping plan with greater flexibility in layout provided the alternative plan has at least the minimum number of trees and shrubs as required by these regulations.* The site is heavily treed, so the applicant may wish to present an alternative landscaping plan. The applicant should discuss how the requirements of this section are being met and the Commission must consider this section.
- Section 17.3 Perimeter Buffers – This section requires when a non-residential use abuts a residential use, the Commission may require landscaping along the side and rear property lines, if in the opinion of the Commission, such landscaping is needed to screen the residential use from the non-residential use. Are any buffers being proposed?

- **Section 18 Parking Requirements**

- Six parking spaces are proposed for the project, including one handicapped accessible space. This assumes a 1,000 sf office in which the regulations allow a maximum of 5 parking spaces, and 1 space for the warehouse/storage use. I believe the number of parking spaces comply with the zoning requirements. The proposed parking lot construction complies with the requirements of Section 18.

- **Section 24 – Manufacturing, Professional Offices and Warehouses**

- 24.1 The applicant is proposing to construct a barn/office for warehouse and professional office. The regulations define “Professional Office” as *The office of an accredited professional such as a doctor, dentist, lawyer, architect, engineer, and similar professions or recognized professional artist, musician, designer, realtor, teacher, or other similar professions that, with or without staff, are qualified to perform services of a professional nature.* The applicant has provided a letter outlining the professional qualifications of the owner and staff of Sawing High Climbers, the company that will occupy the space. Sawing Hill Climbers is owned and operated by an ISA Certified Arborist, a CT-Licensed Arborist, and an NPTC-qualified arborist. He is also a Certified Treecare Safety Professional with the Tree Care Industry Association. The barn storage is accessory to the Professional Office Use.
- 24.2 The lot and proposed development meet all the following requirements:
 - Lot Area: Minimum 10 acres required/39.9822 acres provided
 - Lot Frontage: 400’ minimum required/830’ + provided
 - Required Front Yard: 150’ minimum required/665’ provided
 - Required Side Yard: 150’ minimum required/363’ provided
 - Required Rear Yard: 150’ minimum required/940’ provided
 - Building Height: 35’ maximum/16’ proposed
 - Minimum Square 400’ provided
- 24.3 *The lot must have its minimum frontage on either Route 45 or Route 341* – the lot has 830’ of frontage on Route 341
- 24.4 *All driveways serving the lot shall be on either Route 45 or Route 341. No access shall be allowed from any Town-owned road.* The single driveway serving the site is from Route 341.
- 24.5 *No structure, parking or storage shall be located within the front, side or rear yard setbacks.* The project complies with the requirement.
- 24.6 *No dwelling units are permitted on the lot.* The project complies with the requirement.

- 24.7 *The visibility of the buildings, parking area and storage areas from the adjoining properties and the right of way is to be kept to a minimum. As a condition of the special exception, the Commission may require screening of the buildings, parking areas and storage areas. The screening may consist of landscaping, fencing, or other means.* I believe the applicant should discuss this issue and how the project complies with this requirement.

- **Section 29.0 Site Plans**

- 29.1 – Requirement for site plan approval – application for site plan approval has been submitted.
- 29.2 – The Commission should determine “*if the location or design of the proposed storm drainage, water, electrical, or other utilities are (not) in keeping with good engineering practice.*” The applicant has provided calculations to substantiate the sizing of the stormwater management features. Proposed buried utilities are noted on the plan as are a proposed well and septic. The well and septic are currently being reviewed by the TAHD.
- 29.3 – Application Procedure – An application has been submitted in accordance with Section 29.3. This application review will help the Commission to determine if sufficient information has been provided “to demonstrate that the property will be in conformance with all requirements of the proposed new use”.
- 29.4 – The Commission may refer the application for comment and review to any Town department or other organization that the Commission deems appropriate. I have contacted Chief Pettit of the Warren Volunteer Fire Department for comments regarding the proposed site driveway. The IWC is also reviewing the application.
- 29.5 – Site Plan Application Requirements: The Site Plan contains all of the required elements with the exception of the following:
 - The location, size, height, and intensity of all proposed lighting fixtures. The proposed lighting consists of five building mounted fixtures which are noted to be “full cutoff and shielded from glare”. More details regarding the lighting fixtures should be provided including mounting height and type of fixtures and wattage and type of bulbs.
 - Landscaping – Planting details regarding the raingarden (proposed to replace the subsurface infiltrators) should be provided.
 - Trash Receptacle – No trash receptacle is noted on the plan.
 - Signage – the proposed size, location and lighting of any signs proposed should be provided.
 - Vicinity Map – A Vicinity Map should be provided which shows parking areas and driveways on all properties within 200’ of the site, all streets within 200’ of the site, all zone boundaries within 200’ of the site. A “Key Map” is provided on the Site Development Plan Sheet which the Commission may determine is adequate.
- 29.6 Waiver – Upon written request of the applicant, the Commission may waive any of the items required for a site plan application if the Commission determines that the information is not needed to determine compliance with these regulations.
- 29.7 Performance Bond – The Commission may want to consider as part of any approval a Sedimentation and Erosion Control Bond to ensure erosion controls are erected, maintained and that the site is stabilized and seeded with grass growing before the bond is released.

- **Section 31.0 Special Exception Applications**

- 31.2 – A Special Exception Application has been submitted in conformance with this section.
- 31.4 – Applicability of the Inland Wetlands & Watercourses Act – If a Special Exception application involves an activity regulated pursuant to the Inland Wetlands & Watercourses Act, the applicant shall include with their application evidence of the approval of the Town of Warren Inland Wetlands Commission. This application is currently pending before the IWC and the

P&Z Commission cannot close its public hearing or make any decision prior to receiving a report from the IWC.

- 31.5 – General Criteria – *The Commission shall grant a special exception only if the Commission determines all of the following criteria are met.* The Commission should discuss these points in its deliberations. The following criteria are in addition to any other requirements or conditions found elsewhere in these Regulations.
 - 31.5.1 – The proposed use will *not* have an adverse impact on the public health, safety and welfare of the general public.
 - 31.5.2 – The proposed use in terms of size, intensity and layout will not adversely impact the surrounding properties and will not be detrimental to the development of the surrounding properties.
 - 31.5.3 – The design of all structures is compatible with existing character of the surrounding properties.
 - 31.5.4 – The vehicular traffic from the proposed use will be consistent in terms of volume and type with the existing traffic on the adjoining streets. The proposed use will not create a hazardous situation for vehicular or pedestrian traffic. The adjoining streets shall be acceptable in width, grade, alignment, capacity and visibility to accommodate the increased traffic from the proposed use.
 - 31.5.5 – The proposed use will provide for proper access for fire and emergency service vehicles.
 - 31.5.6 – The proposed use will provide for adequate, long-term protection of the parcel's natural, scenic, archaeological and historic features.
 - 31.6 – Conditions of Approval
 - 31.6.1 – In approving a special exception, the Commission may impose conditions to minimize any potential adverse impacts:
 - On surrounding properties
 - On the natural, scenic, archaeological or historic features of the property
 - On the water quality and/or water supply
 - On the public health, safety and welfare
 - 31.6.2 – These conditions include, but are not limited to, landscaping, buffers, location and size of structures, and limitations on hours of operations.
 - 31.7 – In acting on a special exception, the Commission shall state on the record the reasons for its decision.
- **Section 23 Erosion and Sediment Control Plan**
 - The application substantially complies with the requirements of Section 23
 - **Section 33 Notification Requirements**
 - The applicant shall notify the owners of properties within 200 feet of the subject property of the pending application by mailing a notice at least ten days prior to the scheduled hearing. Such notice shall include a description of the proposed activity and notification of the date, time and place of the scheduled hearing.
 - The applicant shall post on the parcel a sign notifying of the public hearing. The sign shall be a minimum by 2' x 3' with 1.5" high letters stating the reason for the hearing and the date, time and place of the hearing. The sign shall be posted at least 10 days prior to the hearing and remain up until the close of the public hearing.
 - The applicant shall submit to the Commission no later than the date of the public hearing:
 - A copy of the information sent to property owners
 - A list of property owners to whom the notices were sent
 - Proof of mailing such as certificates of mailing issued by the USPS
 - Completed Public Hearing Sign Affidavit.

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Questions/Comments:

1. I have requested comments from the Fire Chief regarding any fire safety concerns with regard to the proposed 1,100 foot driveway.
2. The Commission must make a determination that reducing the driveway width from the required 20' down to 16' is acceptable.
3. What is the proposed driveway grade? What is the proposed driveway side slope? Does the driveway comply with Section 9.2?
4. Has a turnaround area been provided that will meet the requirements of Section 9.6?
5. To comply with Section 9.8 the applicant should confirm that no stormwater runoff from the driveway will impact the state right-of-way or the state road.
6. The applicant should certify compliance with Section 9.9, Driveway Construction Standards.
7. The applicant should discuss how the proposed stormwater management system complies with the Best Management Practices of the 2004 Connecticut Stormwater Quality Manual and Section 10.6 as well as the requirements of Section 18.9 regarding Design Standards for Stormwater Management and Landscaping in Parking Lots.
8. The Infiltration Analysis provided dated 2/1/20 is for sizing of the infiltrators to collect stormwater from the office/barn roof. The Wetlands Commission has suggested that the roof runoff be managed through a raingarden, which the applicant agreed to at the IWC meeting of February 27th. The Infiltration Analysis should be modified along with the Site Development Plan Sheet to note the change from rechargers to raingarden. Planting details for the raingarden should be provided.
9. Additional details regarding lighting, including mounting height and type of fixture and wattage and type of bulbs should be provided. All site lighting shall comply with Section 10.2 and not be a nuisance to other properties.
10. The applicant should discuss how the requirements of Section 17 regarding Landscaping are being met.
11. No trash receptacle is noted on the plan. How will trash generated from the use be managed?
12. Signage Details should be provided or request to be waived at this time.
13. A Vicinity Map should be provided.
14. The applicant can request a waiver of any items not considered necessary to determine compliance. The Commission can decide to waive any items it does not consider necessary.
15. What are the proposed hours of operation of the business?
16. How will the inside use of the building be divided? The applicant should confirm the size of the area of the proposed office and if the company's trucks will be stored inside.