

**Town of Warren**  
**Planning & Zoning Commission**  
**PUBLIC HEARING**  
**Tuesday, September 10, 2019 – 7:30 PM**  
**Warren Town Hall – 50 Cemetery Road**

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**Present: Chairperson:** Susan Bates; **Vice Chairperson:** Absent; **Regular Members:** Howard Lethbridge, John Papp, Bob Bolte, Adam Crane; Paul Prindle; Ruth Schnell

**Zoning Enforcement Officer:** Stacey Sefcik

**Land Use Secretary:** Brenda Zampaglione

**Absent:** Brian Coyle, Christoffer Brodhead, Phil Good

**1. CALL TO ORDER AND DESIGNATION OF ALTERNATES**

The **PUBLIC HEARING** was called to order at 7:30 PM. All regular members were seated for the meeting. Paul Prindle will be seated as an alternate for Christoffer Brodhead and Ruth Schnell will be seated for Philip Good. The proceedings were recorded digitally, and copies are available in the Land Use office.

**2. OPPORTUNITY FOR PUBLIC COMMENT**

Chairperson Bates opened the meeting for Public Comment.

1. **James MacGuire – 133 Melius Road**, commented on the boulders placed in an area near the roadway of 3 Bliss Road in July of 2019. Property is adjacent to Hopkins Inn and he feels that the placement of the boulders is inappropriate. Mr. MacGuire provided pictures for the Commission to peruse. Mr. MacGuire was hoping the P&Z Commission could help him get the boulders removed from his property. Mr. MacGuire calls the area in question a “parking area” in which Ms. Sefcik stated there were no zoning permits obtained for this area for parking or a driveway. Mr. MacGuire stated that in 2018 the gravel in the parking area was removed and therefore did not need a permit. The area has been a “parking area” for 65 years according to Mr. MacGuire. Ms. Sefcik stated that in order to have a parking area in this location, it requires zoning approval and a permit. Mr. MacGuire stated that by removing the gravel it removed the requirement to permit it. Mr. MacGuire clarified for the Commission that the area is a “parking area”. In 2018, per Mr. MacGuire, a broken down stone wall was repaired (@ 20”) and an indentation was made into the wall to make the area safer for parking. The Commission questioned as to whether the land under discussion is owned by Mr. MacGuire or the Town of Warren. The Town of Warren right of way and where the property line is currently was questioned by the Commission. Ms. Sefcik stated that the parking area that Mr. MacGuire mentions is in the Town of Warren Right of Way. Mr. Macguire disputes that and therefore Ms. Sefcik politely asked for Mr. MacGuire to provide a survey to determine who owns the property in question where the boulders were placed. Mr. MacGuire does not think it is his burden of proof to provide the town with a survey of the questionable area. Mr. MacGuire stated the he believes it is a “Right of Way” and not town property and that the Town of Warren is in violation of Planning & Zoning regulations. Mr. MacGuire further stated that he had spoken to First Selectperson Craig Nelson to no avail. Mr. Nelson had stated to Mr. MacGuire that the boulders were placed on Town of Warren property to alleviate dangerous parking situations and that new signage was being prepared to make clearer to the public where not to park. Mr. MacGuire had been asked several times to provide a survey to determine where property boundaries were and Mr. MacGuire asked for a MOTION be made that it is the consensus of the Commission that this is required of him. Mr. MacGuire further stated that he had a survey and the Commission asked him to bring it in for perusal. It was also explained to Mr. MacGuire that a MOTION cannot be made during Public Comment and that it would have to be an item on the agenda. Mr. MacGuire thanked the Commission for their time.

**Tim Angevine – 100 Town Hill Road**, commented that the issue with the boulders at 3 Bliss Road is a precarious situation where the Town of Warren has taken a stance about physical boundaries against Mr. MacGuire, where a survey may or may not have been done and doesn’t look good for the town. Mr. Angevine is asking the Commission to advocate for Mr. MacGuire as an act of good will as he does not understand why the burden of proof should be on the MacGuire’s to clarify if a survey had been done for this.

Per Ms. Sefcik this is not a Planning & Zoning Commission issue and should be brought up at a Board of Selectman meeting as the town placed the boulders on what is believed to be town property. It is not customary for Planning & Zoning Commission to do research for someone who is alleging the town is doing something that they didn't have a right to do. Proper forum is at a Board of Selectman meeting.

**Stephen Warshaw, Selectperson, Town of Warren, 219 Kent Road**, Spoke directly to Mr. MacGuire stating that he would ensure that this issue is placed on the Board of Selectman agenda for their next meeting on Tuesday (no meeting details given) and that it would be discussed at that meeting.

2. **Stephen Warshaw, Selectperson, Town of Warren, 219 Kent Road**, speaking as a Selectperson and not for the Board of Selectman wanted to comment on the Text Amendments for Home Business regulations proposed at the August 13, 2019 Planning & Zoning meeting. Ms. Sefcik politely stated that Public Comment cannot be heard as the Public Hearing on this matter was closed at the last meeting. Testimony cannot be taken on an item that the Public Hearing has been closed on. Public Comments are for items not otherwise on the agenda per Ms. Sefcik. Mr. Warshaw disagrees and will look into this rule.
3. **Joslyn Pollock – 252 Woodville Road**, questioned Ms. Sefcik regarding the comments for the closed Public Hearing for Text Amendments for Home Businesses. Ms. Sefcik reiterated what was stated above to Mr. Warshaw regarding Public Hearings that have been closed and the agenda items.

### 3. APPROVAL OF MINUTES

#### a. July 9, 2019

**MOTION:** Mr. Bolte, second Mr. Lethbridge to **APPROVE** the **July 9, 2019** meeting MINUTES

**APPROVED: UNANIMOUSLY                      ABSTENTIONS: NONE                      MOTION: CARRIED**

#### b. August 13, 2019

**MOTION:** Mr. Bolte, second Mr. Lethbridge to **APPROVE** the **August 13, 2019** meeting MINUTES

**APPROVED: UNANIMOUSLY                      ABSTENTIONS: NONE                      MOTION: CARRIED**

### 4. OLD BUSINESS

- a. Town of Warren Planning & Zoning Commission – Text Amendments to Section 5, Section 12 (Home Occupation), and Section 23 (Home Business) of the Zoning Regulations.

Chairperson Bates addressed the Commission and the audience with what has been done so far and how long the Commission has worked on these amendments. Further stating that any amendments put forth will not satisfy all of the residents who own businesses in town. It has been a long, painstaking process and the Commission has continued to state that the amendments put forth were not created to put any resident who owns a business in the Town of Warren, out of business. Mr. Bolte addressed the Commission and audience stating that the Town of Warren has a specific zone for business usage. By allowing businesses to conduct business outside of the business zone, it changes the rural character for residents who purchased a home in a residential area who now have businesses as neighbors and the unfairness of it to the residents. Ms. Bates asked for a motion on this matter.

**MOTION:** Mr. Lethbridge, second Mr. Papp to **WITHDRAW** the **Proposed Text Amendments as proposed** for potential further evaluation by the Commission.

**APPROVED: UNANIMOUSLY                      ABSTENTIONS: NONE                      MOTION: CARRIED**

### 5. NEW BUSINESS

- a. **Miranda Petit 19 Reverie Lane (Assessor's Map 33, Lot 50) – Modification of Zoning Permit #19-19 to Construct Second Driveway onto Property and Enlarge Approved Detached Garage**

Ms. Sefcik informed the Commission that ZP #19-19 was issued @ 6 weeks ago for a Detached Garage, the applicant then came in with a 2<sup>nd</sup> driveway cut. In addition, the layout for the Detached Garage had changed. Per Ms. Sefcik this application now needs to go before the Zoning Board of Appeals for a Variance on Section 6.2.3 to Construct a Detached Garage within the Front Yard Setback. Now temporarily off the agenda until ZBA has ruling and then will be back to discuss 2<sup>nd</sup> driveway cut.

**b. Arthur Howland & Associates for Andreas Bauer, 49 Couch Road – Zoning Permit #19-20 to Re-Configure Existing Driveway**

Mr. Szymanski is representing Andreas Bauer of 49 Couch Road. Existing driveway located near the town line has a shared driveway with a shared curb cut with a neighboring property. The proposed new driveway will be going uphill @28' starting at a vertically higher elevation which will decrease the slope of the driveway. Driveway is longer by a couple hundred feet and will decrease the slope by what currently exists. Aerial photos were distributed to the Commission. Inland Wetlands Commission viewed the proposal as an enormous improvement per Ms. Sefcik over what currently exists for a driveway. The Commission questioned if the driveway can accommodate the Fire Department and emergency services if needed. Pull-offs were demonstrated and explained by Mr. Szymanski. Mr. Szymanski was asked by Mr. Prindle if the Fire Department of Warren was consulted. Ms. Szymanski informed the Commission that the proposal will make it much easier for emergency services to access the property. Mr. Szymanski informed the Commission that it would be purveyed by the Fire Marshall and not the Warren Fire Department and that this was not a requirement of the regulation to permit this activity.

**MOTION:** Mr. Lethbridge, second Mr. Papp to **APPROVE** the **APPLICATION** as presented to the Commission.  
**APPROVED: UNANIMOUSLY**                      **ABSTENTIONS: NONE**                      **MOTION: CARRIED**

**6. ZONING ENFORCEMENT OFFICER'S REPORT**

Ms. Sefcik gave a quick verbal report to the commission. An application was received for 35 Sheehan Road and is currently awaiting TAHD approval. On 291 Woodville Road, Ms. Sefcik is still awaiting an "as-built" to be submitted. Ms. Sefcik has done some inspections since the last meeting and may have to issue a 2<sup>nd</sup> NOV for a property on Brick School Road. It has been a very quiet month.

**7. OTHER BUSINESS PROPER TO COME BEFORE COMMISSION**

- a. Chairperson Bates revisited the discussion from the last meeting regarding a Motion to Amend the Regulations so that all applications come before the Planning & Zoning Commission and be acted upon by Planning & Zoning Commission.

A discussion then ensued by Commissioners and Ms. Sefcik regarding trust and accountability. The discussion ended without a resolution.

**9. ADJOURMENT**

**MOTION:** Mr. Bolte, second Mr. Papp to **ADJOURN** the meeting at 8:52 PM  
**APPROVED: UNANIMOUSLY**                      **ABSTENTIONS: NONE**                      **MOTION: CARRIED**

**Respectfully submitted,**

*Brenda Zampaglione*

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**Land Use Secretary**