

**Town of Warren**  
**Planning & Zoning Commission**  
**PUBLIC HEARING**  
**Tuesday, August 13, 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

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

The **PUBLIC HEARING** was called to order at 7:32 PM. All regular members were seated for the meeting. Paul Prindle will be seated as an alternate for Philip Good. The proceedings were recorded digitally, and copies are available in the Land Use office.

**PUBLIC HEARING**

The hearing opened at 7:32 PM. Ms. Sefcik read into the record the legal notice for the **PUBLIC HEARING**. Regular members present were seated for meeting. The proceedings were digitally recorded and copies are available in the Land use Office.

**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.**

The only correspondence received was from Jocelyn Ayer of the NHCOC. Ms. Sefcik read into the record the review and comments made by the NHCOC. Ms. Ayer can find no apparent conflict with regional plans and policies of the known concerns of neighboring towns. The letter further states that Section 23.3.6 regarding traffic generated by Home Based Businesses, it was suggested to be more specific in the use of terms “unreasonable burden” and “significantly larger than normal” as these terms could be interpreted differently by different people and that the Commission may want to consider being more specific as to how many trips per day that could be added by businesses (10 trips/day is normal household generation rate). Section 23.3.10 was also mentioned in the letter suggesting that the town attorney review the language regarding renewals in case a non-renewal is challenged. Ms. Sefcik reminded Commissioners that town attorney, Matthew Willis, had been sent the language for this regulation two times and was the person who made the recommendation regarding the language for this regulation as a renewal condition of approval in Section 23.3.10.

**Chairperson Bates then opened the meeting for Public Comment.**

1. **Heather Personatti – 181 Town Hill Road**, questioned the extremely detailed and restricted information that is now in the new regulations (the old regulation was less detailed and the new regulations are 2.5 pages long). Mrs. Personatti also questioned whether the approval falls under a Special Exception permit and Ms. Sefcik replied that it was and has been a Special Exception permit for Home Based Businesses to operate in the town of Warren. Mrs. Personatti expressed displeasure that the maximum amount of vehicles allowed for parking and on the property in the new regulation was ridiculous sitting that most businesses have more than 2 employees. Hours of Operation was also discussed, Mrs. Personatti expressed that hours of operation should not be made specific and that it causes a difficult burden for small business owners. Lastly, regarding Renewals and the 2 year condition in regulation 23.3.10 and the legality of the regulation, Mrs. Personatti cited the letter from Jocelyn Ayer of NHCOC and feels that if a permit is granted a Home Based Business should not have to re-apply for a permit after 2 years. Mrs. Personatti announced a meeting at the town beach scheduled for this weekend for small businesses (the first of its’ kind). It is really exciting for people to get together, mingle, share experiences, an excellent idea, but, businesses cannot grow due to the specific extreme changes in the amendments.

2. **Scott Personatti – 181 Town Hill Road**, questioned the Commission as to why P&Z are changing the regulations and Chairperson Bates replied to Mr. Personatti that there are specific areas in Warren for businesses in the Business Zone and that in residential neighborhoods, neighbor's complaints regarding traffic increase, safety, unsightliness and noise are an issue for a resident who has purchased a home in what is a residential zone to find a business next door to their property. Mr. Personatti asked if complaints were received and if he was allowed to view the complaints and asked how many were received, Chairperson Bates addressed this question that complaints can be reviewed in the Land Use Office during business hours. Mr. Bolte explained that businesses in the residential zone change the zone from residential use to business use. There are many businesses in Warren that have not been permitted as a business. The "grandfather" rule was also explained by Ms. Sefcik and Mr. Bolte. The 2 year renewal will not affect the businesses that have already been grandfathered (Legal non-conforming, subject to requirements at the time of approval) prior to the regulation change and who have received the proper permit(s). Mr. Personatti questioned where land is available in the business zone the town currently has and Mr. Bolte explained that the property next to the store is available. Mr. Personatti questioned the Inland Wetland restrictions in that particular zone and Mr. Bolte explained that businesses would then have to go before the Inland Wetlands Commission for a permit, for which Mr. Personatti stated that people wouldn't want to go that extra step in obtaining a permit.
3. **Bill Pollock – 252 Woodville Road**, questioned that all businesses will be under the same scrutiny whether they are conforming or not and the fairness of such scrutiny. Areas of Warren which are designated for businesses were questioned and Mrs. Personatti (181 Town Hill Road) supplied Mr. Pollock with a map of residential zoning. Also, questioned was if the complaints that have been received thus far in the Land Use Office in a residential zone or business zone? Chairperson Bates replied, "Residential zone". Mr. Bolte suggested that the business zone be changed to allow for more businesses and that the current zone can be expanded. Mr. Pollock stated that illegal businesses do not comply with current regulations and probably will not comply with amended regulations. Mr. Pollock also noted that for the approximately 60 businesses in town, why weren't they at the Public Hearing, did they know there was a hearing? The Public Hearing was properly noticed in the *New Milford Spectrum* newspaper on Friday, August 2, 2019 and Friday, August 9, 2019 as required by FOIA regulations per Ms. Sefcik and to as why more businesses didn't show for the Public Hearing, the Commission could not answer for these businesses as no correspondence was received regarding this Public Hearing.
4. **Joslyn Pollock – 252 Woodville Road**, speaking on behalf of other business owners in the town of Warren (who did not know of this Public Hearing) regarding the new regulations and restrictions put forth in the new text amendments will possibly place a heavy burden on businesses. The number of vehicles allowed in the new regulation is too few and the traffic generated by the vehicles. How will this be enforced? Is the purpose of this amendment is to drive businesses out of town or to not welcome it? Mrs. Pollock questioned how businesses will be able to grow with the restrictions and that most businesses cannot meet the new amendments in the regulation. Mrs. Pollock suggested that the Commission approach the illegal businesses differently to take them out of non-compliance, help encourage the businesses become compliant instead of placing the many restrictions in the amended regulation.

**The PUBLIC HEARING was closed by Chairperson Bates at 8:04 PM.**

## **REGULAR MEETING**

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

The **REGULAR MEETING** was called to order at 8:05 PM. All regular members were seated for the meeting. Paul Prindle will be seated as an alternate for Vice Chairperson Christoffer Brodhead and Ruth Schnell will be seated as an alternate for Philip Good. The proceedings were recorded digitally, and copies are available in the Land Use office.

### **2. OPPORTUNITY FOR PUBLIC COMMENT**

- a. **Linda Palmer – 25 Carter Road, Kent, CT**, spoke regarding the Public Hearing in the town of Kent for Highwatch Recovery, seeking approval for a Convalescent home located on Carter Road in Kent. Ms. Palmer expressed dismay as to the plan to expand Highwatch Recovery as her property borders the expanded area. Ms. Palmer mentioned traffic issues on Carter Road and Brick School Road; response calls from the town of Warren to Highwatch Recovery. Field cards, maps, illustrations, letters and photographs were presented to the Commissioners for their perusal. Ms. Palmer also mentioned the

restricted use for the land that is currently on file. Ms. Palmer wanted to make sure that the town of Warren Planning & Zoning Commission is aware of the expansion and potential effects to the town of Warren, further explaining the danger of patients in this facility to the residential neighbors. Town of Warren ZEO, Stacey Sefcik, sent a letter to the Planning and Zoning in the town of Kent asking to leave the Public Hearing open so that the Public Works department and interested parties have an opportunity to study the effect that the increased traffic will have on the town of Warren.

- b. **Larry MacNeil – 24 Kent Road**, has requested that a strongly worded letter be sent to the Town of Kent Planning & Zoning commission in opposition in allowing a sober home at this site. Mr. MacNeil would like to have the town of Kent clarify the intended purpose of a building of this type in addition to the type of patients to be housed there. Mr. MacNeil stated that he was not apprised that the home was being put to this use from the town of Kent. He is concerned that the close proximity to his home will cause a property value decrease. Lastly, Mr. MacNeil was extremely concerned about the traffic increase and that there is an extremely narrow, sharp corner on Kent Road in which there have been many accidents due to speeding and asked the Commission for a traffic study to be done or requested the materials from a study if it has been done. Ms. Bates responded that a letter had already been sent to town of Kent Planning & Zoning office.

### **3. APPROVAL OF MINUTES**

- a. July 9, 2019

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

Ms. Sefcik will send a copy of the emails from Attorney Matthew Willis to Jocelyn Ayer at the NHCOC regarding the language that has been used.

**MOTION:** Mr. Bolte, second Mr. Crane to **TABLE** the **discussion** until the next Planning & Zoning regular meeting on September 10, 2019.

**APPROVED: UNANIMOUSLY**

**ABSTENTIONS: NONE**

**MOTION: CARRIED**

### **5. NEW BUSINESS**

- a. **John W. Schoen, Evergreen Lane (Assessor's Map 33 Lot 20, Lot 21, Lot 22) – Revision of Subdivision Lot Lines.**

Mr. Schoen explained that there are 3 lots up for potential lot line revision. Maps were distributed to the Commissioners for perusal as well as the Land Use Office Subdivision file from 1980 to present. Chairperson Bates requested the Lot Line Revision regulation be read. Ms. Sefcik explained the regulation to the Commissioners. Ms. Sefcik also explained that this was for a review and not a re-approval as the sub-division was previously approved and is now under revision. Attorney Willis has perused the plans that Ms. Sefcik provided in addition to discussing the application and felt that the town of Warren Planning & Zoning Commission review it. Inland Wetlands approval was questioned and Ms. Sefcik responded that an Agent Determination was given as there is a 100' review area in wetlands and is not near wetlands, also, TAHD has approved as well.

**MOTION:** Mr. Lethbridge, second Mr. Papp to **ACCEPT** the **PROPOSED Lot Line Revision** and titled "Overall Layout Plan" as presented by John W. Schoen, Evergreen Lane, (Assessor's Map 33 Lot 20, Lot 21, Lot 22) dated November 19, 2018 and revised on August 8, 2019.

**APPROVED: UNANIMOUSLY**

**ABSTENTIONS: NONE**

**MOTION: CARRIED**

- b. **John W. Schoen, Evergreen Lane, (Assessor's Map 33 Lot 21 –as potentially revised per Item #5a) – Zoning Permit to Construct Single Family Dwelling, Driveway Extension and Accessory Apartment.**

Copies of the application, TAHD approval and floor plans were distributed to the Commission for perusal by Ms. Sefcik. The proposed Accessory Apartment will be <900'. Ms. Sefcik also recommended an "as-built" plan be a

condition of approval. Proposed apartment has a limited area where it can be placed as there is a power line “right of way” through the property in addition to wetlands.

**MOTION:** Mr. Papp, second Mr. Prindle to **ACCEPT** the **APPLICATION** as presented to the Commission as per the **SUBDIVISION REVISION** and **CONTINGENT** that it be filed in the Land Use records and that an **AS BUILT** be submitted and filed with Commission.

**APPROVED: UNANIMOUSLY**

**ABSTENTIONS: NONE**

**MOTION: CARRIED**

## **6. ZONING ENFORCEMENT OFFICER’S REPORT**

Ms. Sefcik does not have a written report available at this time. Ms. Sefcik distributed a spreadsheet of Zoning Permits that have been approved, noting that any text in red is still pending approval at this time for the Commission to peruse. One application for 291 Woodville Road was not listed as she just received the application and that she has follow-up on previous “as built” conditions from previously issued permits has been resolved. Ms. Sefcik informed the Commission that she sent a letter to the Town of Kent requesting that the Public Hearing regarding Carter Road and Highwatch Recovery remain open so that traffic issues can be resolved as requested at the last meeting. Chairwoman Bates asked when the Commission can expect a written report. Ms. Sefcik stated that she would not be submitting a written report in the coming months due to her limited hours in the Land Use Office as she needs to make use of her time in review of applications and site visits and asked the Commission for their patience. No site visits have been done since the last meeting. Ms. Sefcik reported that First Selectman Nelson and Sean Hayden of LWTF are handling site visits (IWC) currently. Finding a replacement for the ZEO has been proven to be daunting and may take months to fill the position.

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

- a. Ms. Sefcik reported that Fifth Thursday being held on August 29, 2019, 6:30 – 8:30 pm at the NHCOC office (59 Torrington Road, Goshen) with the topic of “New legislation (from 2019 session) affecting planning and zoning, “Best practices on running contentious meetings smoothly” pre-registration is required. In addition, a workshop on August 15, 2019 “Sustainability Practices for Small Towns” will be held. Lastly, a workshop will be hosted by NHCOC for “Clear Land Use Academy” training/refresher session which includes Legal Requirements & Procedures in Land Use Decision Making and Basics of Reading Site Plans on September 18 and October 16, 2019. A minimum of 15 people are required to pre-register for these sessions to be held. Copies of the email from Jocelyn Ayer, NHCOC were distributed.

**MOTION:** Chairperson Bates, second Mr. Crane 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 regarding how long it will take to get a permit if the regulation was changed particularly if the project is smaller in nature. Ms. Bates and Mr. Bolte responded to the concerns. Stipulations can be made as to what can be approved and what needs to go before the Commissioners; most projects of a larger nature do come before the Commission for perusal. Ms. Bates also mentioned that applications are not being filled out properly and are being accepted as they have been. Ms. Sefcik also responded to the concerns that she reviews applications and requests proper documentation when necessary and that notes that she has been left regarding application discrepancies, are addressed by her immediately before going before the Commission. A specific application was cited by Chairperson Bates that came in this week that was not done properly. Ms. Sefcik addressed this particular application for Ms. Bates. GIS or chicken scratch pictures were debated as to their validity with Ms. Sefcik stating that a GIS picture is more reliable than a hand written, stick figure drawing attached to the application. GIS is commonly used as a way to measure distances per Ms. Sefcik. Ms. Sefcik stated that she has been under suspicion and micro management for 6-7 months and is under no obligation to help the Commission during the interim of finding a new ZEO to replace her. If the Commission wants to take this over, it will be doing her a favor, so feel free to do so. Ms. Sefcik stated that if the Planning and Zoning Commission does not trust her decisions, then her time here in Warren is complete. Also, stating that some Commissioners have tried to get her in trouble with the First Selectman due to her not having a desk as neat as they would like is micro-management per Ms. Sefcik. Also mentioned by Ms. Sefcik is that Mr. Bolte and Chairperson Bates have been having illegal meetings for months and that the other Commissioners need to be aware of that. Ms. Sefcik stated that she would be here for another week to clean out her desk and that the Commission is, “On their own”. Ms. Sefcik abruptly left the meeting, leaving behind meeting materials/files for Secretary Zampaglione and requesting a recording of this meeting’s minutes. The intention is not to take work away from the ZEO per Chairperson Bates, but to have more oversight

during the interim of hiring a new ZEO. The Commission continued to discuss the motion in detail especially the time it will take to get approvals.

**MOTION:** Mr. Bolte, second Mr. Prindle to **TABLE** the **MOTION** until **September 10, 2019 REGULAR** meeting;

**APPROVED: UNANIMOUSLY**

**ABSTENTIONS: NONE**

**MOTION: CARRIED**

#### **9. ADJOURMENT**

**MOTION:** Mr. Papp, second Mr. Bolte to **ADJOURN** the meeting at 9:34 PM

**APPROVED: UNANIMOUSLY**

**ABSTENTIONS: NONE**

**MOTION: CARRIED**

**Respectfully submitted,**

*Brenda Zampaglione*

**Brenda Zampaglione  
Land Use Secretary**