

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

MEETING MINUTES
Tuesday, October 3, 2023 at 7:00 PM

1. Call to order, Roll Call, and Designation of Alternates

The meeting of the Town of Warren Planning and Zoning Commission (P&Z) was called to order by Chair Victoria Sahadevan Fossland at 7:00 pm.

Commissioners present: Ryan Curtiss, Deb Ouellette, Jack Baker, Vice-Chair Pete Sandberg and Alternate Casper Grathwohl, who was seated for Andrew Carollo.

Joanne Mansfield was present on Zoom; Alternate Aaron Schiller joined via Zoom at 7:05 pm.

Janell Mullen was present as the Town of Warren Land-Use Official.

There were no members of the public in the audience.

2. Items to Add to the Agenda

No new items were added.

3. Approval of the Minutes

It was noted that the September meeting had been cancelled due to lack of a quorum. Jack Baker moved to approve the August 1, 2023 minutes as written. Deb Ouellette seconded. The minutes were approved unanimously.

4. Correspondence

A. Letter of Support for Warren Land Trust Mountain Lake Project

The Warren Land Trust (WLT) approached Chair Victoria Sahadevan Fossland for a letter of support from the Commission in their effort to apply for a state grant for funding to assist with the purchase of land commonly known as the “Bible Camp” property on Mountain Lake Road. The Chair explained this parcel is adjacent to two other significant conservation properties—the East Kent Hamlet, which is owned by the Kent Land Trust, and the Wyantenock State Forest—and would result in a large swath of land in conservation. The Chair stated she had wanted to share the letter in advance of the October 2 deadline for the grant application. However, due to the cancelled September meeting and in accordance with ex parte communication protocol, she had drafted and submitted a letter of support referring to the 2018 Plan of Conservation and Development (POCD) to offer some perspective for her letter for support.

5. New Business

A. Cannabis Moratorium

Warren Land-Use Official Janell Mullen provided a brief overview of the cannabis moratorium that the P&Z had enacted and is due to expire on December 1, 2023. She suggested that the P&Z renew the moratorium in light of recent legal proceedings involving a group of concerned citizens out of Stamford questioning the constitutionality of the CT state law that enabled adult recreational cannabis. She stated she is also under the impression that the state was halting further license approvals at this time.

Vice-chair Sandberg asked about the possible risks of letting the moratorium expire.

Commissioner Schiller stated the exposure for towns was unfavorable and suggested action be taken to put forth regulations addressing adult recreational cannabis even if the moratorium were to be extended.

Vice-chair Pete Sandberg made a motion to schedule a public hearing on Wednesday, November 9th to extend the moratorium for a twelve (12) month term. Chair Victoria Sahadevan Fossland seconded the motion. The motion passed unanimously.

The Chair requested Ms. Mullen circulate a copy of the prior moratorium as well as pertinent background material to the Commission as soon as possible.

B. Family Group Daycare Centers (PA 23 – 142)

Ms. Mullen provided an overview of Public Act 23- 142, which has been effective since October 1, 2023 and which indicates town zoning regulations cannot require special permits or exceptions for operating family or group childcare homes located in a residence. Municipal zoning regulations are prohibited from treating group childcare homes any differently from single- or multi-family dwellings. On December 1, 2023, each municipality’s CEO must submit a sworn statement to OPM confirming the municipality’s zoning ordinances comply with these requirements or the municipality must identify a specific timeframe within which the zoning ordinances will be brought into compliance.

The P&Z reviewed the town regulations, noting “day care” is listed as an allowable use by Special Exception, but the specific terms “family childcare home” and “group childcare home” were not employed.

Commissioner Baker stated that they would need to update the regulations to expressly allow for the terms used in the Public Act.

Chair Victoria Sahadevan Fossland stated that she felt it was also important to also retain the more generic term “day care” the term encompasses facilities such as adult day cares.

Chair Victoria Sahadevan Fossland moved to amend the zoning regulations to incorporate the definitions of PA 23-142 per CT Statutes and to continue to include the existing definition “day care,” updating the use table in Section 5 accordingly. She moved to bring the amendment to a Public Hearing at the next regular meeting, Wednesday, November 8, 2023. Deb Ouellette seconded the motion. The motion passed unanimously.

6.Old Business

A. Regulations Review: Home Businesses

Chair Victoria Sahadevan Fossland opened the discussion by recalling the goals of the POCD with respect to businesses and home businesses. They include:

1. To research and consider an expansion of the Center Zone
2. To evaluate the current Use Table (Section 5) to determine if the regulations allow for the type of businesses that that the Town would like to see.
3. Support and facilitate home-based businesses and consider a tiered approach to the zoning permitting process.
4. To allow for some home businesses by zoning permit with the incorporation of specific requirements

Commissioner Ouellette clarified whether page 2 of the revised home business memorandum was the suggested language of the amendment for the home business regulations.

Commissioner Grathwohl stated that he supports making the changes that are in the current draft as they do echo the goals of the POCD. He also stated that when he reviewed other towns regulations with respect to home businesses he noted that many of them also lack specificity.

Commissioner Baker stated that a business that needs a state license cannot operate legally in the Town. He suggested the Commission consider it stating this within the home business regulation. It was agreed this language should be added the draft of the revised regulations.

7. Other Business Proper

A. Commission Training- *What's Legally Required*, Chapter 16: Making the Decision A-D (pg. 139 – 152)

Chair Victoria Sahadevan Fossland asked the Alternate Aaron Schiller if he had received a copy of the book. He stated that he had not, but would stop by the Land-Use Office to obtain it. The Chair then opened the floor to the other Commissioners for comments or questions about the section of Chapter 16 they had read in advance.

Commissioner Baker questioned whether a recent dock application was an example of a variance by Special Exception that might have gone straight to the Zoning Board of Appeals for review.

Land Use Officer Mullen stated that there are many examples in the Warren regulations offering opportunities for Special Exceptions. She stated the Zoning Board of Appeals should actually be the avenue for applications requesting variance from the regulations.

Commissioner Ouellette stated she had read Chapter 6 because it was referenced throughout the assigned section of Chapter 16.

Commissioner Schiller mentioned that with CT-based soil zoning the regulations contain mentions of the term “wetlands” in instances that don’t actually align with the ecology of watercourses and wetlands as noted in the statutes. Ms. Mullen added she does see this distinction (eg, artificial/man made wetlands vs pristine and intact hydrological resources considered important) in the evaluation of soil scientists when they do get involved with application.

Commissioner Grathwohl asked about the hiring of experts to further aid with the evaluation of applicants.

Commissioner Mansfield asked about what we should do about the regulations that contain allowances for variances. Ms. Mullen stated that she has gone through the regulations and highlighted all instances where that was the case. Chair Victoria Sahadevan Fossland suggested that when the revision of the home business regulations is completed, the Commission next address each of these instances and evaluate whether they should remain in the regulations, be removed, or amended.

B. Attendance, Review of Commissioner Terms, and Possible New Members (Town meeting 10/18)

Chair Victoria Sahadevan Fossland stated that she had reviewed the Commission roster that the Town keeps on file and she noted that it was out of date. She had prepared both a list of Commissioner terms according to notes from town and P&Z meetings, passing it to Ms. Mullen for review with town officials keeping records. She also prepared an attendance record and noted that Andrew Carollo had not attended any meetings in the last twelve (12) months. Because of this, she stated she could not ask him to consider remaining on the Commission.

Ms. Mullen clarified the Commissioners' current political party. Pete Sandberg stated that he is a registered Democrat. Joanne Mansfield stated that she is a registered Democrat. Ryan Curtiss stated that he is registered as a Republican. Commissioner Curtiss also said that the winter months were very hard for him to make meetings but seeing his term ends this year, he would consider remaining on the Commission.

Chair Victoria Sahadevan Fossland noted that in a twelve (12) month period, the Commission was not able to establish a quorum twice.

Commissioner Grathwohl asked for the distinctions between serving as an alternate or a regular member and expressed interest in being seated as a full member if an open position becomes available.

C. Zoning Agent's Report

Commissioner Baker asked about the City Road issue under "Zoning Inquiries." Ms. Mullen described the situation involving a landlocked parcel beyond the current terminum of City Road. She stated the Town Attorney and the First Selectman had weighed in on the situation and the property owner was looking for possible remedies to gain access to the property at this time.

D. Opportunity for Public Comment

There were no members of the public present and no public comments.

E. For the Good of the Commission

Chair Victoria Sahadevan Fossland congratulated Jack Baker as a new Selectman. Commissioner Baker stated he would continue to serve on the P&Z.

F. Adjournment

Chair Victoria Sahadevan Fossland moved to adjourn the meeting at 9:02 pm. Pete Sandberg seconded the motion to approve. The motion passed unanimously.

Respectfully submitted,

Janell Mullen