

TOWN OF WARREN
PLANNING & ZONING COMMISSION
50 Cemetery Road, Warren, CT
Warren Town Hall lower-level conference room

MEETING MINUTES
Wednesday, November 8th, 2023 at 7:00 PM

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

Chair Victoria Sahadevan Fossland called the meeting to order to 7:03 PM. It was noted that the Zoom audio and visual were not working properly. Regular members present were: Debbie Ouellette, Casper Grathwohl, Ryan Curtiss, Jack Baker. Joanne Mansfield was present via Zoom and was able to join the meeting telephonically. New alternate member Caroline Klein was present. Absent members were Paul Prindle and Vice-chair Pete Sandberg. Aaron Schiller, alternate, was also absent at the time the meeting was called to order. Janell Mullen was present as the Zoning Enforcement Officer. Joslyn Pollack was present as a member of the public.

2. Items to Add to the Agenda

There were no items to be added.

3. Approval of the Minutes

Member Debbie Ouellette noted that the first mention of the date of the public hearing needed to be corrected in the minutes of October 3rd, 2023. On pg 2, the minutes should read: Vice-chair Pete Sandberg made a motion to schedule a public hearing for Wednesday, November 8th. Jack Baker made a motion to approve the minutes as corrected. Ryan Curtiss seconded that motion. The motion to approve the minutes of the October 3rd meeting passed unanimously.

4. Official Correspondence

There was no official correspondence received in advance of the meeting.

5. Public Hearings

- a. **Cannabis Moratorium** Chair Victoria Sahadevan Fossland briefly provided an overview of how public hearings work. She then stated the currently cannabis moratorium in place was due to expire on December 30th, 2023. She read the public notice into the record. Member Casper Grathwohl asked what subsequent research will take place if the moratorium is extended. The Chair stated that at the most recent P&Z meeting, the commission discussed researching the issue by looking at what neighboring towns have done as well as by surveying the public. There were no follow-up comments by the public or commissioners. Commissioner Jack Baker moved to close the public hearing at 7:15 pm. Chair Victoria Sahadevan Fossland seconded the motion on the floor. The motion to close the public hearing passed unanimously.

Chair Victoria Sahadevan Fossland moved to approve the extension of the moratorium, setting a new expiration date on December 1, 2024, providing an additional twelve (12) month period. Commissioner Ouellette seconded the motion. The motion passed unanimously.

- b. **Family Group Daycare Centers (PA 23 – 142)** Chair Victoria Sahadevan Fossland stated that in accordance with a state mandate, the Town of Warren Regulations would need to be updated.

She asked if members of the Commission had any questions. She then turned to the audience to see if anyone cared to speak on this item. No comments from the public were presented. Chair Victoria Sahadevan Fossland moved to close the hearing at 7:18. Commissioner Ouellette seconded the motion to close. The motion passed unanimously.

Commissioner Mansfield moved to update the regulations in accordance with Public Act 23-142 and as described in the associated memo, effective Wednesday, November 15, 2023. Commissioner Grathwohl seconded the motion. The motion passed unanimously.

6. New Business-

Janell Mullen stated that no new applications have been received.

7. Old Business

a. Regulations Review: Home Businesses

Commissioner Schiller joined the meeting via Zoom at 7:23 pm. The audio issues continued on Zoom so he had to join the meeting via telephone. Janell Mullen stated that the changes discussed at the previous meeting included Section 23.1 Item e., mentioning the need for other respective licenses required to legally operate businesses, such as those required by the state or health department.

The Chair said she had questions about the Shop & Storage component of the regulations. She asked if the proposed changes explicitly disallowed the production and/or manufacturing of items which may be associated with contractors and/or tradesmen. Commissioner Grathwohl used the processing of firewood example as a part of this discussion. Land Use Officer Janell Mullen agreed with Casper Grathwohl when he questioned if the Commission should be explicit. The Chair stated that the Commission should take into account the possible activities besides storage that contractors may need to engage in that relates to their business, such as HVAC contractors producing or modifying vents by manipulating metal or contractors operating carpentry machines for building cabinets. Commissioners Grathwohl and Ouellette discussed the current definition of manufacturing. The Chair noted that according to the property use/activity table in the regulations, manufacturing was allowed in the North Zone and Center Zone by Special Exception. She suggested an amendment on page 3 of the current draft to read:

Commissioner Grathwohl asked about general nuisance complaints such as those related to noise.

Commissioner Baker stated that the local police force will not respond to noise complaints. He discussed the background of noise enforcement and summarized the fact that the Torrington Area Health District no longer enforced noise. He also brought up the question about the threshold of square footage requirements which once limited home businesses to 25% of the floor area. The Land Use Officer stated the difficulty of enforcing such a requirement because she is not allowed to enter and inspect a home without the permission of the homeowner.

For the sake of discussion, Jack Baker asked about the intention of the regulations associated with home business size. Commissioner Grathwohl asked if, in practice, this is indeed a material issue. Commissioner Schiller asked a clarifying question regarding the tiered approach to the permitting process.

The Chair also brought back into the discussion the goals associated with home businesses in the most recently updated POCD (2018). She read the objectives as listed in the POCD, summarized here:

- Support for Warren's Town Center and small businesses
- Take the lead on the expansion of the Center Zone – where business is allowed.
- Support and facilitate home-based businesses while simultaneously preserving residential character

At 7:55 pm, Commissioner Mansfield noted Bob Gerber was trying to join the Zoom meeting of the P&Z Commission. The Chair added him to the group call providing audio access to the commissioners who had joined via Zoom. She oriented the new attendee to agenda item 7, currently under discussion. She continued the discussion by providing background information to assist Commissioner Schiller in the current thinking of the Commission regarding the amendment and the thresholds of permitting. She also noted that she would be providing some notes she had concerning typos to Janell Mullen for the next iteration of the draft.

Regarding the issues of Permitting, Renewal Process, Exceptions, the Chair revisited the new frequency for renewals contained in the draft revisions would be every two (2) years as stated on the hand-out.

8. Zoning Agent's Report –

Janell Mullen reviewed her report of zoning activity for the month.

Commissioner Grathwohl asked about the requirement for training especially since the Commissioners were proactively taking on the reading of Zizka's book. Janell Mullen stated that the P&Z Commission is required to update the First Selectmen on an annual basis regarding the training that the Commissioners had completed since it was a requirement under Pubic Act 21-29.

9. Other Business Proper

a. **New Commissioner Welcome** – The Chair reviewed the outcomes from the last Town Meeting: Caroline Klein joined the Commissioner as a new alternate; Casper Grathwohl was elected to become a regular Commission member; Ryan Curtiss decided to stay on and was elected to another term as a regular Commissioner. They have all been sworn in by the Town Clerk. The Land Use Officer, Janell Mullen, noted that these updates would be given to the Town Clerk so that the town webpage could be updated accordingly.

b. **Alternate Commissioner Vacancy** – As a result of the above, it was noted there was an open alternate seat on the Commission. Molly Smithsimon and Bob Gerber were in attendance to express interest in joining the P&Z.

Molly Smithsimon, who was physically present, introduced herself as a local attorney. She stated that she is a full-time resident of Warren with two college aged children. She is interested in joining the P&Z Commission and stated that she works from home. Bob Gerber was in attendance via telephone and stated that he is a retired federal judge and had been a lawyer for thirty (30) years with a major firm in New York City. He stated that most of his work was focused on saving companies and that he got involved with real estate law and bankruptcy law. He stated that he does not consider himself to be an expert in planning and zoning but is

interested because he is a full-time resident of Warren and thinks he has the ability to look at issues with the same impartiality that he did as a judge. He was welcome to any questions.

Chair Victoria Sahadevan Fossland asked for the potential members to leave the room so that the Commission could discuss who to select as a new member. She asked the Commissioners to vote on their preference. The Commissioners voted individually for who they would prefer to join the Commission. The Chair invited both Ms. Smithsimon and Mr. Gerber back into the meeting and informed them Ms. Smithsimon won the vote. She instructed Ms. Smithsimon to see the Town Clerk for her official swearing in. Janell Mullen stated she would be ordering more copies of the Zizka book for the new Commissioners.

- c. **Designation of 2023-24 Officers** - Chair Victoria Sahadevan Fossland stated that Pete Sandberg was not asked about remaining on as Vice-chair and suggested they could postpone the election of the Officers to the next meeting. Commissioner Baker made the motion to select the same slate of Officers. Commissioner Grathwohl seconded the motion on the floor. The motion passed unanimously.
- d. **2023-24 Calendar of Meetings** – The Commission discussed a possible change in the meeting schedule for the upcoming year. It was agreed Land Use Officer Janell Mullen would work with the Chair to prepare a proposed calendar for 2024. The Commission agreed to consider not meeting in January and July if there is no new business and to call special meetings in those months as needed.
- e. **Commissioner Training** - *What's Legally Required*, Chapter 5, Powers and Duties of Land-Use Agencies (Section B. Zoning Commissions (p. 19-21), Section C. Zoning Board of Appeals (p. 21-22), Section D. Planning Commissions (p. 23-26), Section E. Inland Wetlands & Watercourse Commissions (p. 26-28)

The Chair opened discussion about the reading stating she thought it would be helpful to review the powers and duties of the various land use commissions/boards in town as we welcome new Commission members. She mentioned the P&Z is tasked with following the regulations and that it is relatively straightforward. Commissioner Baker added that Special Exceptions are considered on a case-by-case for a reason and as long as they function within the guardrails of the requirements for granting them. Commissioner asked who is on the ZBA and when it is engaged. Chair Victoria Sahadevan Fossland stated that the ZBA would be engaged if a person—applicant or otherwise--wished to appeal a decision made by the Commission and/or ZEO. She also stated the ZBA would be engaged in situations where an application clearly did not meet the regulations. Commissioner Ouellette added that this section emphasized how important it is that the regulations are clear and acknowledged there is always some gray area. Commissioner Grathwohl asked about the POCD: how often it is updated, the process for updating it, and how long it typically takes, noting the world was really different in 2018 (the year of the last POCD update) and that consideration for changes sooner than 10 years might be appropriate.

10. Opportunity for Public Comment -

Joslyn Pollack, 252 Woodville Road, thanked the Commission for the work that they do. She has been following the home business discussion and stated that her concerns were around enforcement and that the Commission/ZEO would need to be able to tangibly enforce the regulations. Chair Victoria Sahadevan Fossland mentioned the Town had recently adopted a zoning enforcement citation ordinance so the ZEO has the ability to fine/cite those that are in violation of the regulations.

11. For the Good of the Commission –

Commissioner Baker welcomed the new Commissioners. Commissioner Grathwohl asked about the land map of preserved/conserved land in the POCD. He was curious about the maps being updated. Janell Mullen mentioned the Town Report.

12. Adjournment –

Commissioner Curtiss moved to adjourn at 9:03 pm. Commissioner Ouelette seconded the motion. The motion passed unanimously.

Respectfully submitted,

Janell Mullen 11/9/2023