



TOWN OF WARREN
ZONING BOARD OF APPEALS
SPECIAL MEETING and CONTINUATION OF PUBLIC HEARING
Wednesday, March 31, 2021 – 8:00 pm
Via Zoom Conferencing

(See Recording Link Below)

Those present were Rick Valine, Chairman, Raymond Furse, Vice Chairman, members George Githens Bill Hopkins, and Alternate Robin Ploch, Thomas Paul Alternate was excused. Colleen Frisbie started the videoconference, then turned the host privileges over to Richelle Hodza, Land Use Official.

Call to Order and Designation of Alternates

Chairman Valine called the meeting to order at 8:05pm, Robin Ploch was seated as a regular member.

Approval of Minutes

A MOTION was made by Mr. Furse to approve as written the minutes of the regular meeting held on Wednesday January 27th, 2020; his motion was SECONDED by Ms. Ploch; all were in favor. The MOTION CARRIED.

No old business.

Public Hearing

Mr. Chairman opened the Public Hearing in the matter of Variance Application # 21-03-01 / Peter and Pamela Downs / 24 North Kent Road / Assessor's Map 26, Lot 4/ Applicant requests relief from Section 9.4.1 of the Zoning Regulations, which requires that each parcel be served by only one driveway, except where the applicant can demonstrate that more than one driveway is necessary for fire protection or the safe and efficient movement of vehicular traffic on site and that the presence and location of said driveways do not interfere with the normal movement or queuing of traffic on the intersecting street.

Ms. Hodza stated that all of the statutory requirements and notices have been met. Mr. Downs posted signs outside of his property as required more than ten days in advance. Ms. Hodza stated a legal notice was posted on the town website as required by C19 executive order, and Ms. Hodza received proof that the certified mailings were made to all of the neighbors.

Mr. Downs stated that the driveway was required to access the back of their home, currently for firewood, but also for the proposed building. The building will be used for personal items, tractors, and cars. The driveway will also provide another access point for emergency vehicles. Mr. Valine stated that the application pointed out that this driveway is the only way to access this side of the property, and Mr. Valine verified that this access point would be for personal use; i.e. firewood and personal vehicles. Mr. Downs stated this was correct; the drive would not be used for the business. Mr. Valine stated he had witnessed the location of the firewood and understood that the drive was the only way to access this. Ms. Hodza stated that the members should state their relationship with Mr. Downs as many residents and members utilize Mr. Downs's business. An unidentified member of the public stated they objected to this. Ms. Hodza stated that the public has not yet been invited to speak but they will offer time at the end. Ms. Hodza stated that as is required by the freedom of information act, the members should divulge their relationships with Mr. Downs so that the public is aware of said relationships. The members need not recuse themselves due to the relationship, it is simply a way to be transparent and show no bias as is necessary for the proceeding to continue without the appearance of bias. Mr. Githens stated that he lived nearby Mr. Downs, in the past he had utilized Mr.

Downs as a mechanic however not in the past few years due to less need for any assistance. Mr. Hopkins stated that he has known Mr. Downs for many years and has his car serviced in his business however it would not influence his decisions this evening. Ms. Ploch stated that she had met Mr. Downs many years ago and worked with Mrs. Downs for many years also. Mr. Furse stated that he had a business relationship with Mr. Downs installing solar at his house nearly a decade ago, and he may have another business relationship with him installing solar on the current barn, however not the future/planned building. Mr. Furse stated that his relationship with Mr. Downs would not create a bias in his decision making this evening. Mr. Chairman stated that he has known Mr. Downs for many years, and that their children grew up together and that he utilizes Mr. Downs business as a mechanic as well. Mr. Chairman stated that his relationship with Mr. Downs would not influence his decision. Ms. Hodza asked if the board had any questions for Mr. Downs. Mr. Githens stated that he had a question for the board; Mr. Githens asked if the neighbors had any objections. Mr. Chairman stated that he received three letters from neighbors, none of them objecting. Ms. Hodza asked which neighbors were abutting the property and Mr. Downs listed the 4 neighbors who live in Warren. Ms. Hodza stated that she received letters from 3 of the neighbors who live in Kent, and that there is a 4th neighbor whom lives in Kent. Ms. Hodza stated that she had notified the town of Kent regarding the driveway and that she had not received any response from the town of Kent. Ms. Hodza read a letter from Ms. Nancy Haimerl, an abutting neighbor, for the record. Ms. Hodza read a letter from abutting neighbor, Mr. Jerry Miller for the record. Ms. Hodza read a letter from abutting neighbor Lawrence and Pamela McNeil for the record. All letters reported no concerns or objections with the application for the driveway. Ms. Hodza stated that the driveway has already been installed over 5 years ago, this application is an after the fact variance. Ms. Hodza stated that the property is very steep in certain areas and therefore difficult to negotiate the space. Ms. Hodza stated that extending the current driveway rather than approving the second driveway would have a great impact on the area behind the house, which likely contains wetlands. Ms. Hodza stated in other words, the topography and the buildings as they currently exist warrant a second driveway on the property. Mr. Furse asked if the new building was refused permission to go forward due to the driveway requiring the variance. Ms. Hodza stated that the zoning commission stated that due to the driveway being in violation, the property would need to be in zoning compliance before the zoning board would issue a new permit. Ms. Hodza stated that if the board finds that the driveway is in the best interest of the town and does not harm the town in any way they can go forward with the zoning application for the new building. Ms. Hodza stated she could feasibly approve the building without bringing it back to the zoning commission again once the driveway variance is approved. Mr. Furse asked if there is a way to simply make the whole application approved, both the building and the driveway. Ms. Hodza stated that the approach of granting the variance is a valid way to solve the issue. Ms. Hodza stated that there was confusion due to Mr. Downs not being aware that the driveway was not approved in the first place as he had received informal blessings from members of the town hall. Ms. Hodza stated that it would be difficult to approve the building before there was an access way to said building. Mr. Furse pointed out that there often are verbal approvals given. Ms. Hodza stated that things are being more regulated and more greatly enforced. Ms. Hodza recommended always receiving a letter of approval for any zoning concerns. Mr. Chairman asked if there were further questions from the members of the board, there were none; Mr. Chairman opened up the meeting to public comment.

Public Comment

Mr. Herman Tammen, 50 Curtiss Rd. Stated that he felt Ms. Hodza led the meeting well and suggested that they advise the applicant that even after receiving the variance that planning and zoning would need to approve the driveway as slope can affect approval.

Ms. Tammen, 50 Curtiss Rd. Thanked Ms. Hodza and stated that there are no new regulations for zoning rather that regulations must be followed.

Mr. Chairman stated that there were no other indications of questions or comments and made a MOTION to close the public hearing, Mr. Githens SECONDED the motion. A vote was held, all were in favor the MOTION CARRIED, and the public hearing was closed at 8:29pm.

Mr. Hopkins made a MOTION to approve the variance for the driveway, Mr. Githens SECONDED the motion. Mr. Chairman asked if there were further discussion of wording in the variance from members of the board. Mr. Furse asked if the slope and topography needed to be addressed in the variance approval. Ms. Hodza stated that the record will state that reasons for the decision, namely being difficult access, however did not feel it needed to be part of the motion itself. A vote was held, all were in favor; the MOTION CARRIED. The variance was APPROVED. Ms. Hodza informed Mr. Downs there exists an appeal period, however when the time lapses she would print the variance and it would be filed in the town hall.

Adjournment

Mr. Chairman made a MOTION to adjourn, Mr. Furse SECONDED the motion; all were in favor. The meeting adjourned at 8:32pm.

Respectfully Submitted,
Melissa Woodward

Recording Secretary

Link to recording:

https://zoom.us/rec/share/XZI00BLkiEoJhv1Q6HQxct_HZ1RKhBJlvHcdUu1Lifx9S0XHSvUgqd6DCuEkS2gR.TDTcwKlxOnv6I4Zi