

TOWN OF KENT
PLANNING AND ZONING COMMISSION
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FEBRUARY 16, 2017 SPECIAL MEETING MINUTES

The Town of Kent Planning and Zoning Commission held a special meeting on Thursday, February 16, 2017 at 7:00 p.m. in the Kent Town Hall.

1. CALL TO ORDER

Mr. Johnson called the meeting to order at 7:05 p.m.

2. ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED

Commissioners Present: John Johnson, Chairman; Karen Casey, Darrell Cherniske, Adam Manes, Anne McAndrew, Marc Weingarten,

Staff Present: Donna Hayes, Land Use Administrator

Mr. Johnson elevated Ms. McAndrew and Mr. Weingarten to voting status.

3. READING AND APPROVAL OF MINUTES:

3.A. Regular Meeting Minutes of January 12, 2017.

Mr. Manes moved to approve the Regular Meeting Minutes of January 12, 2017, as written. Mr. Weingarten seconded and the motion carried unanimously.

3.B. Special Meeting Minutes of January 26, 2017.

Mr. Manes moved to approve the Special Meeting Minutes of January 26, 2017, as written. Mr. Weingarten seconded and the motion carried unanimously.

4. PUBLIC COMMUNICATIONS (ORAL):

No action taken.

5. OLD BUSINESS:

5.A. PUBLIC HEARINGS (Possibility of closure, discussion and decision on the following):

No action taken.

TOWN OF KENT PLANNING AND ZONING COMMISSION
SPECIAL MEETING MINUTES FOR FEBRUARY 16, 2017

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5.B. DISCUSSION AND POSSIBLE DECISION

5.B.1. Rewrite of Zoning Regulations

The Commission thanked Ms. Hayes for the comparison study she had prepared regarding suggested changes by Atty. Zizka and changes made by Mr. Chalder. Ms. Hayes said that she had some items that she would like to discuss with Atty. Zizka for clarification. In the meantime, she will create a Doodle Poll for a special meeting during the March 15th – March 23rd timeframe. Mr. Johnson suggested that a discussion regarding new maps be added to that agenda.

Mr. Manes moved to have Ms. Hayes send out a Doodle Poll for a special meeting. Ms. Casey seconded and the motion carried unanimously.

6. NEW BUSINESS:

6.A. PUBLIC HEARINGS (Possibility of closure, discussion and decision on the following):

- 6.A.1.** Modification to Application #'s 110-16SP, 111-16C, The Kent Affordable Housing, construction of 3 townhouse style affordable units, 19 Maple Street Extension, Map 4 Block 42 Lot 5; modification to include the removal of condition #2 from the Resolution of Approval.

Mr. Johnson opened the public hearing at 7:11 p.m. and read the legal notice into the record.

Ms. Hayes explained that she was advised by Atty. Zizka that the second condition on the Resolution of Approval was not necessary because the lot was pre-existing, non-conforming. The purpose of this public hearing was to modify the Resolution of Approval by removing that condition.

Having no further discussion, Mr. Manes moved to close the public hearing at 7:13 p.m. Mr. Cherniske seconded and the motion carried unanimously.

Mr. Manes moved to remove condition #2 from the Resolution of Approval dated January 31, 2017, based on the fact that the lot was pre-existing, non-conforming. Mr. Cherniske seconded and the motion carried unanimously.

- 6.A.2.** Application #'s 03-17SP and 04-17C, Jason & Kerin Hempel, 63 Howland Road, conversion of west side of existing barn into poolhouse/accessory dwelling unit; pool & tree cutting in Horizonline Conservation District, Map 11 Block 40 Lot 40.

Mr. Johnson opened the public hearing at 7:16 p.m.

Ms. Hayes explained that an application for a similar project had been before the Commission a couple of years ago and there was a large discussion regarding a "residence restriction" area put in place by the Association. The application was approved after legal counsel advised the Commission that area was of no concern to the Commission. The Special Permit was never filed; that is why a new application had been submitted.

TOWN OF KENT PLANNING AND ZONING COMMISSION SPECIAL MEETING MINUTES FOR FEBRUARY 16, 2017

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Mr. Steven Kalur, architect for the project, was present to answer any questions by the Commission. He explained that one half of the original barn will be renovated to include a small kitchenette, living area and ½ bath; the other half will remain as is. The renovated area will open onto a terrace leading to a 20' x 60' pool. The construction of the pool and terrace area will result in the removal of one dead tree with a diameter of approximately 6" BH and one 14" – 15" BH live tree. When asked about lighting, Mr. Kalur replied that there will be minimal lighting of which will be louvered or facing downward in nature. There will be lights in the pool. Ms. Hayes asked if the footprint of the existing barn will be changing and Mr. Kalur said that it would not. He commented that the work that is being proposed is less expansive than what was proposed during the first application.

Mr. Manes moved to close the public hearing at 7:16 p.m. Mr. Weingarten seconded and the motion carried unanimously.

Mr. Manes moved to accept waivers to the following sections: 4.35., 4.3.9., 4.3.12. and 13A.4.2. Ms. Casey seconded and the motion carried unanimously.

Mr. Manes moved to approve Application #'s 03-17SP and 04-17C, Jason & Kerin Hempel, 63 Howland Road, conversion of west side of existing barn into poolhouse/accessory dwelling unit; pool & tree cutting in Horizonline Conservation District, Map 11 Block 40 Lot 40 with the following conditions: Mr. Weingarten seconded and the motion carried unanimously.

6.B. DISCUSSION AND POSSIBLE DECISION

6.B.1. Preliminary discussion: South Kent Schools for Infinity Fields, LLC, 170 South Kent Road, use, renovation and building addition project for Hatch House, Map 5 Block 39 Lot 2.

Mr. Bruce Carlson, Facilities Director for South Kent School, was present to address the Commission. He explained that they were before the Commission for a preliminary discussion regarding proposed changes to the Hatch House located on the property as well as changes to a site plan that was submitted a few years ago. Mr. Carlson then introduced Mr. Legare Cuyler, designer of the changes.

Mr. Cuyler showed those present a proposed kitchen addition to the original Hatch House that was built circa 1741. The plan is to create a large kitchen to support the culinary arts curriculum at the school. There will be a summer program as well where the produce from the farm would be prepared by and served to them.

Another parking area would be constructed on the northern side of the property as this would provide better handicap access to the new kitchen. With that in mind, Mr. Cuyler said that they are proposing an additional curb cut. Mr. Johnson asked Ms. Hayes to check into whether or not a third curb cut is allowable. Mr. Cuyler said that the sight lines are very good for this third curb cut.

The ground level floor plan of the kitchen has a stairway to an unfinished basement and would be approximately 1264 sq. ft. The new kitchen is sized to feed up to 20 people, but the primary purpose of the area will be a laboratory equipped for a class of 10 students.

Mr. Cuyler continued that the existing footprint of 40' x 30' will remain as is and minimal work will be done to that structure. Their intent is to do as little as possible to the 7' wide kitchen fireplace and hearth.

TOWN OF KENT PLANNING AND ZONING COMMISSION SPECIAL MEETING MINUTES FOR FEBRUARY 16, 2017

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There will be 2 gathering spaces and one larger meeting space on the main floor and two meeting rooms on the second floor.

Ms. Hayes asked if this work is in place of the larger building that was proposed when the school first came to the Commission for the development of Infinity Fields. Mr. Cuyler said that was correct and the school is downsizing that plan. He continued that the Hatch House is basically gutted and by doing the work to the original structure they could create administrative offices as well as the kitchen for the culinary program.

Mr. Weingarten asked how the students would arrive at the facility and if there was bus parking. Mr. Cuyler said that the students would be bused and there is parking for the buses. Mr. Carlson said that the size of the buses is similar to a minivan.

Mr. Manes said that one of the main concerns from the previous site plan was the ability for emergency vehicles to enter onto the property and asked Mr. Cuyler to please keep that in mind.

Mr. Johnson said that he feels these changes call for a new overall site plan. Ms. Hayes agreed and said that she had asked Mr. Chavka if they had contracted with Milone and MacBroom to create a new site plan. Ms. Hayes asked if this building would be a mixed use with sleeping on the second floor. Mr. Cuyler said that it would not because of the building code requirements. Ms. Hayes said that since the use would be tied into the school's curriculum, this would be considered an accessory use to the school.

Mr. Manes said that the original plan was going to be big enough that sufficient parking was going to be provided for seminars and large events. With this change, it does not seem that the school is continuing to go in that direction. Mr. Cuyler said that one question that is still outstanding is the parking requirement based on the fact that the previous approval allowed for 6 large events. Mr. Manes said that those issues no longer apply. Parking for private schools is determined by the Commission and trying to assign a parking requirement will have to be determined by the actual intensity of the use. Mr. Manes said that when they create the site plan they should take into consideration all the proposed uses.

Ms. Casey asked Ms. Hayes what zone the property is located in. She explained that the property is located within the rural district, but the use is permitted via a special permit; therefore, anything that is proposed on the property would have to be approved via a site plan/special permit application. It is her belief that this would be a major change to the originally approved site plan/special permit approval and would warrant new site plan and special permit applications. Ms. Hayes continued that during that approval process, parking could be more accurately determined. Ms. Hayes said that she would base the parking on the maximum capacity of the building which she believes is assigned by the Fire Marshal.

Mr. Weingarten asked what the parking requirement is for schools and Ms. Hayes said that would be "determined by the Commission".

Mr. Manes said that they could tell the Commission what the use of the building is and what parking is needed.

Mr. Johnson said that overflow parking was always considered over by the Sharpe Building for any large gatherings. He said that he is not sure that would play into this particular use. Ms. Hayes asked if they were planning on having outdoor eating. Mr. Cuyler said that they were planning on barbequing and grilling on the outdoor terrace.

**TOWN OF KENT PLANNING AND ZONING COMMISSION
SPECIAL MEETING MINUTES FOR FEBRUARY 16, 2017**

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Mr. Cherniske said that part of the ambience of the property are the three large maple trees and asked what they planned on doing with them during the construction. Mr. Cuyler said that they are a concern but they have not decided if they would be removed as a liability or not. Mr. Carlson said that they are not very healthy. Mr. Cuyler pointed out that the trees they are referring to are the two closest to the addition.

Mr. Cuyler said that if anyone from the Commission wanted to walk the site, the kitchen is staked out. He said that there is a possibility that it would have to be made smaller if they don't obtain all the funding they need.

Mr. Johnson asked how the harvested food from the farm will arrive at the new kitchen. Mr. Cuyler said that they will be transported via a small golf cart to a ramp access to the basement for storage.

Ms. Hayes asked about the administrative offices. Mr. Cuyler said that he did not think they would have anyone there fulltime, but would like to establish a space for the future.

Ms. McAndrew asked if they would be using the facility every day. Mr. Cuyler said that they hoped to, but at the present time it would be a stretch because of the existing curriculum schedule. The site itself is used on a daily basis. He continued that he understood that the use of the Hatch House will be under the auspices of the school and that the area could not be rented out as an AirBnB or for special events.

Ms. Hayes asked about the second-floor meeting rooms. Mr. Cuyler said that the plan is to make the room on the right a reception room and the room on the left as an office for possibly the cook. The small first floor room at the back of the house will be used as a resource room. Mr. Cuyler said that they are planning on changing the use from a residence to educational use.

Mr. Johnson asked about any outdoor lighting. Mr. Cuyler said that the lighting will be self-contained.

Mr. Manes said that he thought the use had already been changed. Ms. Hayes said that she did not believe anything had been done with this structure because they were not sure what they were going to do with it. She said that she would review the file to see what was previously approved. Mr. Cuyler asked if they would have to go back through wetlands. Ms. Hayes said that she would review the file and see what was approved and let them know how they needed to proceed. Depending on where the addition is located, they might have to do a modification to the permit. Mr. Cuyler asked if this work could be considered a modification to the original site plan/special permit approval. Ms. Hayes said that she felt that the magnitude of this change would warrant another new site plan and special permit application.

Ms. Hayes strongly advised them to contact Ms. Weber of Torrington Area Health District with regard to the actual layout of the kitchen because her requirements might require a new design. She also recommended that they contact the State Health Department to see if anything is required by them. Mr. Cherniske asked if they would be required to install a grease trap. Ms. Hayes thought they would and Mr. Cuyler said yes. A question was raised about whether or not a new septic system would need to be installed. Mr. Cuyler said that they have their engineer working on that.

Ms. Hayes asked about timing. Mr. Cuyler said they would like to submit the information as soon as possible. Ms. Hayes said that if they plan on being on the agenda for March 9th, she would need all the information by next Tuesday, February 21st. Mr. Cuyler said that he did not think they would make that date but would let Ms. Hayes know.

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SPECIAL MEETING MINUTES FOR FEBRUARY 16, 2017**

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6.B.2. Modification to Application #62-15C, Kent Center, LLC, 9 Maple Street, change of use from office to retail, 5 Old Barn Road, Map 19 Block 42 Lot 35.

Mr. Cherniske recused himself from agenda items 6.B.2. and 6.B.3.

Ms. Hayes explained that this application as well as the following application were carry overs from the previous month's meeting. During that meeting, Mr. Winter asked that a parking plan be submitted with any application for a change of use. Ms. Hayes told the Commission that since last month she had spoken with Mr. Paul Szymanski of Arthur Howland & Associates who reminded her that the Commission had made the determination that the property at 9 Maple Street was considered a shopping center and as such parking is calculated on square footage and not use. Since there was no change to the square footage of the building, no parking plan need be submitted. Ms. Hayes asked for a motion to approve. The Commission then moved on to the discussion of 6.B.3.

6.B.3. Modification to Application #62-15C, Kent Center, LLC, 9 Maple Street, new signs for The Village Herbalist at 5 Old Barn Road, Map 19 Block 42 Lot 35.

Ms. Hayes explained that this was a modification to the alternative signage site plan. Mr. Weingarten and Mr. Johnson questioned why Ms. Hayes could not just approve these. Ms. Hayes said that according to the regulations modifications to the site plans must be approved by the Commission. A discussion followed about whether or not the regulations could be changed. Ms. Hayes said that she would look into it and make sure that the regulation is not statute driven.

Mr. Manes moved to approve Modification to Application #62-15C, Kent Center, LLC, 9 Maple Street, change of use from office to retail, 5 Old Barn Road, Map 19 Block 42 Lot 35 and Modification to Application #62-15C, Kent Center, LLC, 9 Maple Street, new signs for The Village Herbalist at 5 Old Barn Road, Map 19 Block 42 Lot 35. Mr. Weingarten seconded and the motion carried unanimously.

Mr. Cherniske returned to the meeting.

7. STAFF REPORT:

7.A. Part Time Land Use Clerk

Ms. Hayes advised the Commission that the Board of Selectmen, based on the recommendation of the Interviewing Subcommittee, hired Ms. Richelle Hodza as the Part Time Land Use Clerk effective February 28, 2017. Her hours will be Monday, Tuesday and Thursday from 1:30 to 4:00 and Friday from 9:00 to 4:00. Ms. Hayes continued that Ms. Hodza is currently employed as a part time employee for the Town of Warren where she supports various Town offices and is also responsible for the preparation of minutes for both Planning & Zoning and Inland Wetlands. Ms. Hayes invited all the members present to stop in and introduce themselves once Ms. Hodza starts.

8. REPORT OF OFFICERS AND COMMITTEES:

8.A. Presentation of Incentive Housing Zone Subcommittee

It was decided that this topic be removed from the agenda and placed on the special agenda for the rewrite of the regulations.

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SPECIAL MEETING MINUTES FOR FEBRUARY 16, 2017**

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9. OTHER COMMUNICATIONS AND CORRESPONDENCE:

9.A. Administrative Permits and Certificates of Compliance

No action taken.

9.B. CBA Education & Training, Planning & Zoning, Connecticut Land Use Law for Municipal Land Use Agencies, Boards and Commissions, March 25, 2017 Seminar

No action taken.

9.C. *Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter, Winter, 2017*

No action taken.

10. ADJOURNMENT

Mr. Manes moved to adjourn at 8:35 p.m. Mr. Weingarten seconded and the motion carried unanimously.

Respectfully submitted,



Donna M. Hayes, CZEO
Land Use Administrator

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