

**TOWN OF KENT
PLANNING AND ZONING COMMISSION**

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BY
TOWN CLERK

DECEMBER 8, 2016 REGULAR MEETING MINUTES

The Town of Kent Planning and Zoning Commission held a regular meeting on Thursday, December 8, 2016 at 7:00 p.m. in the Kent Town Hall.

1. CALL TO ORDER

Mr. Johnson called the meeting to order at 7:02 p.m.

2. ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED

Commissioners Present: John Johnson, Chairman; Karen Casey, Richard Chavka, Darrell Cherniske, Alice Hicks, Adam Manes, Anne McAndrew, Matt Winter, Wes Wyrick

Staff Present: Donna Hayes, Land Use Administrator

3. READING AND APPROVAL OF MINUTES:

3.A. Regular Meeting Minutes of November 10, 2016.

Mr. Winter moved to approve the Regular Meeting Minutes of November 10, 2016, as written. Mr. Manes 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):

5.B. DISCUSSION AND POSSIBLE DECISION

5.B.1. Rewrite of Zoning Regulations

Ms. Hayes explained that she had completed the comparison of Attorney Zizka's recommended changes and changes made by Mr. Chalder. Her suggestion was that the Commission review the comparison and decide how to proceed. It was decided that she would send out a Doodle Poll to schedule a special meeting within the next two weeks giving the Commission an opportunity to review the comparison.

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6. NEW BUSINESS:

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

6.A.1. Application #'s 92-16SP, 93-16C and 94-16F, The Kent School, Skiff Mountain Road, construction of squash court building, Map 3 Block 9 Lot 25.

Mr. Johnson opened the public hearing at 7:05 p.m. and read the legal notice into the record. He also read a letter from William Tingley, Chairman of the Housatonic River Commission (copy attached).

Mr. David Bjorklund, P.E. of Spath-Bjorklund presented the application to the Commission and explained that the plan was to add a squash court building to the existing tennis building via a connector. The squash courts would be elevated above the floodplain and would be built over a crawl space with the floors of the squash court placed on concrete slabs. The foundation would house some piping but no mechanical equipment and would have flow-through vents as required by the building code. These flow-through vents would allow any flood waters to enter into the crawl space and also allow it to recede as the flood waters recede.

Mr. Bjorklund continued by explaining that the existing parking lot would remain but they would be adding an additional 24 spaces along the front of the new building. Parking would not be an issue since most of the participants would either be walking to the building or would be dropped off by vans. He did not foresee the need for bus parking but they could use the gravel lot by the football field for additional parking if needed.

With regard to storm water runoff, Mr. Bjorklund explained that the current building's downspouts drain into a drywell which empties into a pipe directed to empty into the Housatonic River. There will be a curtain drain from the squash court which will enter back into the ground as well as an overflow system that ties into the system under Skiff Mountain Road. Mr. Bjorklund said that 80% of the storms produce no water emptying into the Housatonic River.

The parking lot runoff will use a separate system with the runoff going through a sand/oil separator before connecting into the discharge system to the Housatonic River. As part of the Inland Wetland approval, a condition was placed requiring the school to clean the sand/oil separator on a yearly basis.

Mr. Bjorklund told the Commission that there is currently a buried oil tank but the plan at this point in time is to switch to propane which will be contained in a buried tank in the front of the building. Ms. Hayes asked if bollards would be placed around the tank and Mr. Bjorklund said that they would. He continued by saying that if they stay with oil, the oil tank will be relocated. Water and sewer lines will be connected to the existing system at the tennis building.

Mr. Jeff Gaunt from SLAM told the Commission that the new lobby entry will be built in between the two buildings with a new door being added to the tennis building. He explained that the squash building will be of concrete construction with no mechanicals below flood level. There will be 8 courts, 4 on the front and back of the building with a center viewing section. Two bathrooms with showers and an office will complete the main floor. The mezzanine above the bathrooms will house the mechanicals. The building itself will be a prefabricated, metal building with a metal skin and roof. The color will be green which is similar to the tennis building. There will be a few windows. The lighting for the minimal; just

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enough to provide light to the walkway and will be full cutoff. They are looking at possibly changing the connector from metal to something like a hardy plank, but the roof will remain metal.

Ms. Casey asked if they had thought about using a different paving system for the new parking lot. Mr. Bjorklund replied that the parking lot is not a very big parking lot and that by putting in a pervious surface poses a maintenance issue and that the recharge system that they have designed would work well and would be easier to maintain.

Mr. Cherniske asked if they had considered any of the watershed off of the back mountain. Mr. Bjorklund said that he had walked that area and found no water courses coming behind the new building. They did examine a drywell in the back of the existing tennis building and found it almost spotlessly clean. Because of that, they decided to continue with the existing system.

Mr. Winter asked if the school would be willing to have the approval of this application conditioned on the school maintaining the oil/sand separator. Mr. Bjorklund reminded the Commission that it was already a condition of approval from the Inland Wetlands Commission and Mr. Joseph Wolinski, Facilities Director, replied that they already have one in the area which gets cleaned in the fall, after the leaves have all dropped.

Ms. Hayes asked what the hours of operation would be. Mr. Wolinski replied that it would be open after 3:00 p.m. until 8:00 p.m. during the school year and that he did not anticipate it being open during the summer. It would probably be open on Wednesday and Saturday from 12 – 4:30 p.m.

Mr. Manes moved to close the public hearing at 7:29 p.m. Mr. Cherniske seconded and the motion carried unanimously.

Mr. Manes moved to approve Application #'s 92-16SP, 93-16C and 94-16F, The Kent School, Skiff Mountain Road, construction of squash court building, Map 3 Block 9 Lot 25. Mr. Winter seconded and the motion carried unanimously.

6.B. DISCUSSION AND POSSIBLE DECISION

6.B.1. Leggette, Brashers & Graham, Inc., Request for Approval of Offsite Potable-Supply Well Sampling Program Reductions

Mr. Michael Kapareiko, CPG, LEP from Leggette, Brashers & Graham, was present to ask the Commission for permission to cease the private well testing of the Edelman and Woodward residences. He explained that over the 11 tests that have been completed since the testing inception, no issues were ever found. Mr. Kapareiko advised the Commission that Audubon International supports the discontinuance of well testing at these two residences as well. He stressed that they would still be required to test the sample wells that were dug on the golf course itself in order to comply with the Audubon International certification.

Ms. Hayes asked if the owner of the private residences had been notified of this request. Mr. Kapareiko said that they had not been notified. He explained that one of the residences is a weekend residence and it was very difficult to schedule any testing at all. Ms. Hayes suggested that the Commission condition the reduction as it was conditioned when an initial request was submitted in December of 2009. Mr. Kapareiko said that the condition placed on that approval was never accepted by Bulls Bridge Golf Course and, therefore, not implemented. He said that it was because the condition was too vague.

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It was suggested that this be tabled to the next meeting so that the homeowners can be notified and could have an opportunity to speak. Commission members replied that most people would not want to stop free well testing and that having them present would not accomplish anything.

When asked why they were requesting this reduction, Mr. Kapareiko replied that it was a very expensive and cumbersome process and that there is no golf course in the vicinity that is required to do this past the initial year of operation.

Ms. Hayes asked what New Milford had decided. He replied that they have stopped testing all but one well which did come back with a positive test for contamination. As a result, their company has installed a special water treatment system and still continues to test. It is their belief that the positive test results were not driven by anything the golf course is doing, but agreed to install the special water treatment system because they are good neighbors.

Commission members suggested a more staggered approach of every 3 or every 5 years.

Mr. Wyrick moved to allow Leggette, Brashers & Graham, Inc., to change the required testing of the private potable wells at 121 Bulls Bridge Road and 9 Old Stone Road from once per year to every 5 years. Mr. Cherniske seconded and the motion carried unanimously.

Ms. Hayes asked Mr. Kapareiko when they would have tested had this request not been granted. He replied that they would have tested within the next 2 weeks. The Commission asked that the new schedule begin after the testing that is done within the next 2 weeks. Mr. Kapareiko agreed.

6.B.2. Approval of the 2017 Regular Meeting Schedule.

Ms. Hicks moved to approve the 2017 Regular Meeting Schedule. Mr. Cherniske seconded and the motion carried unanimously.

6.B.3. Pre-application discussion and scheduling of Public Hearing, Kent Affordable Housing, 19 Maple Street Extension, Map 4 Block 42 Lot 5.

Mr. Daniel Schiesel, Ms. Virginia Bush-Suttman and Mr. Stephen Lasar were present for the pre-application discussion.

Mr. Schiesel explained that Kent Affordable Housing was applying for a grant to construct three additional affordable units at the 19 Maple Street Extension address. In order for the grant to be approved, approval has to be granted from the Planning & Zoning Commission. The purpose of their visit at this meeting was for a pre-application discussion and to ask that a public hearing be scheduled for the next regular meeting.

Mr. Lasar, Architect, explained the plan to the Commission. Based on the topography of the property, the plan is to construct three, townhouse type units; one 3-bedroom unit and two 1-bedroom units, one of which will be handicap accessible. The three units will be attached and will run perpendicular to Maple Street Extension. The existing site originally contained a single-family dwelling that was foreclosed on and purchased by Kent Affordable Housing. The existing structure could not be remodeled and was demolished leaving an empty, .99 acre site that could be serviced by Town water and sewer. It is estimated that 200 cubic yards of fill will be necessary for the construction of the driveway with no

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proposed removal of earth materials from the site. There are no wetlands or watercourses identified on the property.

Mr. Winter questioned the soil classification since that side of Maple Street Extension is in the rural district where soil based zoning applies. Mr. Lasar and Ms. Suttman commented that was not a consideration when they obtained approval for Phase II of Stewart Farms. It was decided that Ms. Hayes would review the file from Phase II, scan the documentation and get it to the Commissioners prior to the public hearing. Ms. Hayes commented that her main concern was the fact that the site was not even an acre. It was mentioned that a lot line revision could be done with the adjoining lot.

Mr. Manes moved to schedule a public hearing for the January 12, 2017, regular meeting. Mr. Winter seconded and the motion carried unanimously.

6.B.4. Lot Line Revision: Krish Living Trust, 221 Fuller Mountain Road, Map 1 Block 8 Lot 32 to Robert P. Berkey, 223 Fuller Mountain Road, Map 1 Block 8 Lot 31.

Ms. Hayes explained that the Krish Living Trust was in the process of selling approximately 6 acres to their neighbor Berkey in order to provide a buffer to Berkey's backyard should the back adjoining property owner decide to build on it. The lot line revision had received Torrington Area Health District approval. Mr. Winter asked if Ms. Hayes could provide a map of the entire area the next time something like this comes up.

Mr. Manes moved to approve Lot Line Revision: Krish Living Trust, 221 Fuller Mountain Road, Map 1 Block 8 Lot 32 to Robert P. Berkey, 223 Fuller Mountain Road, Map 1 Block 8 Lot 31. Mr. Cherniske seconded and the motion carried unanimously.

Mr. Wyrick and Mr. Cherniske recused themselves from the following discussion.

6.B.5. Modification to Application #97-15C, 3 Maple Street, LLC, Map 19 Block 42 Lot 33; modification to include the enlargement of the westerly porch.

Ms. Hayes explained that the owners of 3 Maple Street would like to extend the existing front deck 1' to the west. She went on to explain that the extension of the deck does not meet the front yard setback in the Village Center Commercial district, but there is a footnote which states: "On existing streets, building lines shall be established at a distance equal to or greater than the average setback distance of all other principle structures within 500 feet in each direction on the same side of the street." Ms. Hayes continued that the average setback distance was 20.06 feet.

The Commission reviewed the site plan presented and commented that the information on the site plan showed that the extension was ~19' from the front yard setback. Ms. Hayes said that she was under the impression that they had met the setback and realized that the site plan presented was not current. It was suggested that instead of using the Patco building location for the setback distance, they should use the roof of the pumps because using the building distance skews the average setback distance.

Because the information supplied was not accurate, the Commission stated that the modification will have to be tabled until Ms. Hayes obtains a new site plan.

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Mr. Manes moved to table Modification to Application #97-15C, 3 Maple Street, LLC, Map 19 Block 42 Lot 33; modification to include the enlargement of the westerly porch. Mr. Winter seconded and the motion carried unanimously.

Mr. Wyrick and Mr. Cherniske returned to the meeting.

7. STAFF REPORT:

7.A. Part Time Land Use Clerk

Ms. Hayes reported that she had two people she will be scheduling for interviews and will let the subcommittee know the dates as soon as they are confirmed.

8. REPORT OF OFFICERS AND COMMITTEES:

8.A. Presentation of Incentive Housing Zone Subcommittee

It was decided to keep this on the agenda until after the special meeting to discuss the changes to the regulations.

9. OTHER COMMUNICATIONS AND CORRESPONDENCE:

9.A. Administrative Permits and Certificates of Compliance

No action taken.

9.B. Letter from the State of Connecticut Siting Council – T-Mobile request for an order to approve tower sharing at existing facility located at 136 Bulls Bridge Road.

No action taken.


9.C. Letter from the State of Connecticut Siting Council – T-Mobile request for an order to approve tower sharing at existing facility located at 38 Maple Street.

No action taken.

10. ADJOURNMENT

Mr. Winter moved to adjourn at 9:18 p.m. Mr. Wyrick seconded and the motion carried unanimously.

Respectfully submitted,


Donna M. Hayes, CZEO
Land Use Administrator

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Housatonic River Commission

"To coordinate on a regional basis the local management and protection of the Housatonic River Valley in northwestern Connecticut"



ORIGINAL

860-491-9884

59 Torrington Road, Goshen, Connecticut 08758

November 17, 2016

Dear Kent Planning and Zoning Commission,

At our regularly scheduled November 8th Housatonic River Commission meeting, Nicholas Clark of Spath-Bjorklund Associates came to present the plans for the Kent School to build a new building to house squash courts for their students. Based on sight lines from the river, we did not consider the proposed construction to have a deleterious visual impact on the scenic quality of the Housatonic.

The proposed building is within the 100 year floodplain and as presented would be raised up 6-7 feet for the structure to be above that elevation. Ideally we should not add construction to the floodplain at all, but we recognize the logistical constraints that the school is under with their location. Exploration of optimal ways to minimize run off from the structure and its parking area were discussed with the proposed plan arguably being quite suitable. We encouraged the applicant to consider alternate parking lot paving, construction of rain gardens for both building and parking lot runoff, and would encourage you to do the same. Regular maintenance of the proposed drainage separator should be a requirement of the project, as over time, the effectiveness of this pollution prevention device would be reduced by the buildup of trapped sediments and oils.

With our concerns largely being addressed by the presentation by Mr. Clark, we would recommend the proposed Kent School Squash Courts be approved.

Sincerely,

William Tingley
Chairman Housatonic River Commission
Sharon CT

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