

TOWN OF KENT
PLANNING AND ZONING COMMISSION
41 Kent Green Boulevard
P.O. Box 678
Kent, CT 06757
Phone (860) 927-4625 Fax (860) 927-4541

AUGUST 13, 2015 REGULAR MEETING MINUTES

The Town of Kent Planning and Zoning Commission held a regular meeting on Thursday, August 13, 2015 at 7:00 p.m. in the Kent Town Hall.

RECEIVED FOR RECORD
KENT TOWN CLERK

2015 AUG 17 A 9:27

BY *Donna Hayes*
TOWN CLERK

1. CALL TO ORDER

Mr. Johnson called the meeting to order at 7:01 p.m.

2. ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED

Commissioners Present: John Johnson, Chairman; Alice Hicks, Matt Winter and Wes Wyrick

Staff Present: Donna Hayes, Land Use Administrator
Jennifer Calhoun, Land Use Clerk

3. READING AND APPROVAL OF MINUTES:

3.A. Regular Meeting Minutes of July 9, 2015.

Mr. Winter made a motion to approve the regular meeting minutes of July 9, 2015. Ms. Hicks 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):

Rick Levy spoke at this time. He stated that the Kent Planning and Zoning Commission is a leading Commission. It was the first to adopt the Horizonline district and the second to adopt village district regulations. He added that it was not a Commission that reacts. Mr. Levy asked that the Commission address the issue of drones. He noted that many Commissions were looking into it. He insisted the Commission reexamine the drone issue.

Mr. Levy also asked that the Commission address the sale of marijuana. He added that it does not fit in the Kent Village District. He asked that the Commission find a way to allow medical marijuana, but protect the town at the same time.

TOWN OF KENT PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES FOR AUGUST 13, 2015

These are draft minutes. Corrections may be made by the Commission at the subsequent meeting. Please refer to subsequent meeting minutes for possible corrections and approval of these minutes.

Mr. Levy also brought up the issue of enforcement. He stated that a possible solution could be to add a fine if someone ignores the Kent Zoning Regulations. And, if they don't pay the fine, the Town could put a lien on the property.

Mr. Johnson stated that he was not sure if the P&Z Commission had the power to regulate drones. They had asked their consultant, Glenn Chalder, but he was unsure. Mr. Johnson noted that they could ask Mr. Chalder again. As far as medical marijuana, Mr. Johnson stated that it was the same as any drug sold at a pharmacy. With enforcement, Mr. Johnson noted that it would have to be a town ordinance to allow the Commission to issue fines for violations. He added that when the Commission was done with the regulations rewrite, they would look into the fee schedule. At this point in time, he added, they could not issue fines.

Mr. Levy added that he wished the Commission would be proactive.

5.B. DISCUSSION AND POSSIBLE DECISION

5.B.1. Rewrite of Zoning Regulations

Mrs. Hayes stated that Mr. Chalder could not make the meeting on Sept. 24 so they were looking into other dates. She would e-mail the Commission with a list of dates to try to set up the meeting.

6. NEW BUSINESS:

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

6.B. DISCUSSION AND POSSIBLE DECISION

6.B.1. General Statutes Section 8-24 Referral: Planning & Zoning Approval of the Town's purchase of the William J. Manasse lot, 0 Railroad Street, Map 19 Block 42 Lot 14.

Bruce Adams, First Selectman of Kent, stated that he was before the Commission to request approval from the Planning and Zoning Commission for the purchase of a lot also known as the Manasse lot located on Railroad Street. The plan is to construct public restrooms, a visitor center and showers for the hikers. He noted that the State still has not approved the resubmission of the grant. An appraisal has been completed and the owner has agreed to sell the lot at the appraised value.

After Mr. Johnson asked about the responses from an online survey created by the Board of Selectmen about this purchase, Mr. Adams noted the responses. He stated that the number 1 response was purchasing a piece of the railroad station, but added that this could not be done because it was recently bought by Kent Apothecary. The second response was purchasing the Manasse lot and the third response was purchasing both.

Mr. Adams stated that the lot was .44 acres and they could purchase it at about \$190,000 and that the grant was for \$500,000. They would include a men's room, women's room, a porch for brochures from local businesses, showers for the hikers and parking. They would request monetary support from the Chamber of Commerce for cleaning and supplies.

The purchase of this property would have to go to a town meeting.

Mr. Johnson stated that he liked the idea of showers.

Mr. Winter stated that he felt this use was outlined in the POCD.

TOWN OF KENT PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES FOR AUGUST 13, 2015

These are draft minutes. Corrections may be made by the Commission at the subsequent meeting. Please refer to subsequent meeting minutes for possible corrections and approval of these minutes.

Mr. Winter moved to approve the Town's application for the expenditure of funds through grants for the purchase of the William J. Manasse lot, 0 Railroad Street, Map 19 Block 42 Lot 14 as it fits in with the Town of Kent Plan of Conservation and Development. Ms. Casey seconded and the motion carried unanimously.

6.B.2. Application #48-15C, Wyrick Associates for Garfinkle, 18 Highland Road, construction of single family dwelling, septic and related site work in Horizonline, Map 5 Block 12 Lot 88.

Mr. Wyrick recused himself from the discussion.

Gary Hock was present to represent the application. Mr. Hock noted that there was one tree in question and that was outside the horizonline. The trees where the septic is shown were not located on the plan.

Mrs. Hayes noted that the Wetlands Commission has approved the application. She added that a small portion of the house was located in the horizonline.

Mr. Hock stated that he did not think there were any large trees in the septic area. They were probably only cutting 4-5 trees.

Mr. Hicks asked about the height of the house. It was noted that it was a single story.

Ms. Casey asked if you could see the property from South Kent Road. It was noted that you may be able to see it in the winter. She then questioned the septic location, but it was noted that it was the only possible location for a septic system on the lot because of ledge and wetlands.

Mr. Winter asked if you could see the existing barn on the lot from South Kent Road. It was noted that you could not see it. He then asked to see the septic location in the pictures taken by Mrs. Hayes. He asked if this project was approved by Torrington Area Health Dept. and Mrs. Hayes noted that it was.

Mrs. Hayes noted that it was the applicant's goal to leave the trees near the trench for the septic piping.

Laura O'Rourke, from Wyrick and Associates, showed the Commission the architectural plans. They were not to scale and did not have the height of the structure shown on it. Mr. Winter noted that the structure seemed relatively tall.

The Commission then discussed lighting. There was lighting shown on the plan, but no details on the lighting. Mr. Winter noted that the Commission should ask that all lighting be downward facing.

Mr. Hock noted that Mr. Wyrick moved the house approximately 20 inches out of the horizonline.

Mr. Winter stated that he did not like granting waivers for a small scale map showing location of property. He thought that was an easy item that the applicant could provide.

Ms. Hicks moved to accept the following waiver of requirements for the application: Sections 4.3.3, 4.3.5, 4.3.12 and 4.3.14. Ms. Casey seconded and the motion carried unanimously.

Mr. Winter stated that he was comfortable knowing that the building would not be seen from South Kent Road.

Ms. Casey felt lighting was important.

TOWN OF KENT PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES FOR AUGUST 13, 2015

These are draft minutes. Corrections may be made by the Commission at the subsequent meeting. Please refer to subsequent meeting minutes for possible corrections and approval of these minutes.

The Commission then began discussing the trees in the septic area and whether any of them were over 24" in diameter at breast height. Mr. Hock and Mrs. Hayes could not affirm that. Mr. Winter noted that they could add a condition that if any trees over 24" in diameter were to be removed from the septic site, the application would need to come back for a modification. The Commission agreed with that idea.

Ms. Casey moved to approve application #48-15C with the following conditions: 1. That all lights be full-cut-off and downward facing in nature and 2. No trees larger than 24" in diameter at breast height may be cut in the Horizonline Conservation District on the subject property. If the project warrants the cutting of these trees, the applicant would need to come before the Commission for a modification. Ms. Hicks seconded. The motion carried with Mr. Johnson abstaining.

6.B.3. Application #49-15C, Bruce W. Schnitzer, 29 Spectacle Ridge Road, addition of new entry and two decks in Horizonline, Map 16 Block 25 Lot 23.

Mr. Wyrick returned to the meeting. No one was present to represent the application. Mrs. Hayes noted that she walked the property and explained that it was the "music building" that they would like to add the decks to. She showed the Commission where the decks were proposed. There were no trees to be removed for the project. They have received Torrington Area Health approval. There was no site plan showing the Horizonline on the property, but Mrs. Hayes noted that both decks were located in the Horizonline. After some discussion about a waiver request, Mrs. Hayes noted that a plan had been submitted with all the site plan requirements shown.

Mr. Winter moved to approve application #49-15C with the condition that all proposed lighting be full-cut-off and downward facing in nature. Ms. Hicks seconded and the motion carried unanimously.

6.B.4. Modification to Application #122-09C, Arthur H. Howland & Associates, P.C., for Kent Center, LLC, 9 Maple Street, modification to include proposed signage, additional landscaping, changes to hardscaping, relocation of utilities, and traffic flow and driveway reconfiguration, Map 19 Block 42 Lot 35.

John Johnson read a letter from Steve Pender into the record. The letter is attached to these minutes.

Paul Syzmanski from Arthur H. Howland & Associates, P.C. was present for the application. He explained the site plan to the Commission. He noted the following changes to the site plan:

- Next to B. Johnstone, 1 way traffic with walkways on both sides of road
- Additional landscaping by the B. Johnstone and Gleason building
- Open Fulling Lane to 2-way circulation
- Remove the vegetated area north of Cramer and Anderson and open the road up to two-way circulation.
- Take out vehicular circulation and add a courtyard with handicap spaces.
- Parking on the northside of the courtyard
- Moving a shed on the property to the courtyard
- Adding a sitting area to the west of Panini
- Trees to be removed are not succeeding on site.
- Move utilities with fence enclosure.
- Gifford's parking opened up
- Reconfiguration of Gifford's parking and clean up entrance
- The horseshoe area by Gifford's will be removed and landscaped
- A sign at the corner of 341 with fencing

**TOWN OF KENT PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES FOR AUGUST 13, 2015**

These are draft minutes. Corrections may be made by the Commission at the subsequent meeting. Please refer to subsequent meeting minutes for possible corrections and approval of these minutes.

- 2 angle signs on Old Barn Road
- An awning at the entrance of Giffords
- Signage on the building of B. Johnston
- A sign to screen utility meters on south side of 10 North Main Street
- Painted sign on management building
- 2 windmills-30 feet in height
- A painted sign on the gable end of the Morrison gallery
- Restructure the exterior of Gleason building with windows, barn doors, signs and landscaping
- Landscaping and cape cod curbing across from Gleason Building

Mrs. Hayes wondered about the dumpsters in front of Gifford's and Mr. Szymanski stated that they would be moved and might have an alternative location for them in 2 weeks.

Very detailed landscaping plans were also submitted.

The following are the concerns of the Architectural Review Board (ARB):

1. As indicated on plan L-2.00, the combination of vehicular and pedestrian ingress access between buildings 13 and 14 is good and the Board recommends the same between buildings 14 and 15. To ease vehicle maneuvering either reduce or omit the north landscape peninsula at the north corner of building 14. Please see Sketch 1.
2. With regard to the proposal for the corner of Routes 7 and 341, the Board recommends the removal of the landscaping, the sign and the split rail fence that bisects the lawn. Instead, the fence and plantings should be repositioned along the end of the parking lot behind building 12 to screen vehicles. Please see Sketch 2.
3. To encourage more foot traffic, the Board recommends making Fulling Lane one way heading east into the complex; the bathrooms off Fulling Lane should be reopened to the public.
4. Although the proposed signage falls under Town of Kent Zoning Regulation section 19.8 "Alternative Signage Program For Large Developments", the Board recommends the following: that overall, the signage should be more reflective and inclusive of the Town of Kent; that the number of signs be greatly reduced; that the actual size of some of the signs be reduced; and the lettering painted on building 1 "KENT BARNS ..." be omitted entirely.
5. The Board recommends that Gifford's awning/marquee be rethought as a covered pergola type structure which would be more in keeping with the architecture of the building. We also recommend that the structure be positioned along the front of the parking area rather than alongside the building and that the overall height be no more than one story. Please see Sketch 3.
6. The 2 proposed windmills should be omitted entirely.
7. That all exterior changes to the buildings much come before the Kent Architectural Review Board to be considered individually including, but not limited to, the Farm Shop building and Gifford's marquee.
8. That an updated set of plans needs to be provided that accurately shows Building D and L; that reflects the proposed silo on page L-4.08 has been omitted; and the cross referencing on the signage key page L-4.02 be corrected.
9. The Board also recommends that the fire truck circulation for KME Pumper actually be tested as indicated on page L-2.01.

The importance of the corner at Maple and Main Streets, which functions much like a town green, should be recognized and it should remain open and welcoming to pedestrians. It also serves as a visual point of arrival for motorists into the Town of Kent and needs to continue to do so.

TOWN OF KENT PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES FOR AUGUST 13, 2015

These are draft minutes. Corrections may be made by the Commission at the subsequent meeting. Please refer to subsequent meeting minutes for possible corrections and approval of these minutes.

The Board strongly encourages the unity the entire Town, is the strongest way to build an economic foundation for us all. We encourage that the signage proposed be revised accordingly to promote this opportunity for our unique Town.

The following are the concerns of Mrs. Hayes, Land Use Administrator:

- The applicant appeared before the ARB on Tuesday, August 4th and due to the complexity of the application, it was my recommendation that the ARB determine that the pre-application review does *not* conform with the intent of these regulations and the Kent Village District Design Guidelines and that a decision be made in writing requesting that the applicant submit a site plan application to the Planning & Zoning Commission. The ARB will be holding a special meeting on Monday, August 10th to discuss their recommendations and put them in writing.
- A new site plan should be submitted showing the distances to the property lines with regard to the relocation of a/c units and transformers and other structures.
- The two underground propane tanks should be listed on the plan and proper protections should be installed around the fill lines, especially the tank on the northerly side of the property.
- Any work being done to the Gleason building would require a new site plan as that property is a separate lot.
- The plan shows that 19 trees will be removed. Is the key correct?
- It is my recommendation that Anchor Engineering and the Kent Volunteer Fire Department review the new traffic flow proposal.
- It is also my recommendation that a landscape representative from Goman & York review the landscaping plan.
- Consideration should be given as to whether or not 10 North Main Street should be merged with the main lot of the Barns.
- An agent letter should be provided by Salisbury Square (Kent Apothecary) allowing their property to be discussed and included on the plan.

Mr. Szymanski noted that the ownership have taken all the comments of the ARB into account and will be revising the plans accordingly.

Mr. Johnson questioned whether the tall pillar sign near the entrance Old Barn Road will be removed and Mr. Szymanski noted that it would.

The Commission discussed the windmills. Ms. Hicks questioned how safe they would be and Mr. Szymanski noted that they would be built to building code. Ms. Casey thought they would be a hang out for the turkey buzzards. Mr. Johnson stated that they seemed out of place. Mr. Winter stated that he had no problem with them.

Ms. Hicks questioned snow removal. Mr. Szymanski showed her where snow piles would be placed and added that if they receive a massive storm, the snow would need to be removed.

Mr. Szymanski noted that they would be providing a turning template for the Kent Volunteer Fire Dept pumper.

Mrs. Hayes noted that they would need a new site plan for projects not originally approved by the original application.

Mr. Johnson noted his concerns over the parking. Mr. Szymanski added that they would be adding 8 spots overall and they would be adding speed bumps on Fulling Lane to prevent people avoiding the light.

TOWN OF KENT PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES FOR AUGUST 13, 2015

These are draft minutes. Corrections may be made by the Commission at the subsequent meeting. Please refer to subsequent meeting minutes for possible corrections and approval of these minutes.

Ms. Hicks said she thought the parking near the Farm Shop (Gleason Building) seemed congested.

Mrs. Hayes asked where the residents of the apartments would park. Mr. Szymanski showed her and noted that it was a 100 foot walk.

Mr. Johnson noted that he liked getting rid of some asphalt. He liked the visual beside the B. Johnstone building but worried about people not paying attention to the one way traffic flow. Ms. Casey noted her concern about the narrowness of the 1 way, saying that it was scary. She added that the overall project was better access and easier to understand for drivers.

Mrs. Hayes questioned the relocated sheds. Mr. Szymanski showed her the sheds on the map and added that he would change the legend to make it easier to understand.

Mr. Winter stated that the Commission should consider having Anchor Engineering, the Town's engineer, review the plans. He also thought that the applicants should apply for a new site plan for the entire site.

Mr. Winter questioned the legality of painted signs on buildings and Mrs. Hayes stated that they could be allowed by the Commission.

Ms. Hicks noted that she would strongly encourage the applicant's adhering to the comments of the ARB. She noted that there were an awful lot of signs and that they were not directional, not did they tell her what she could buy. She felt they were not very useful.

The Commission then discussed the awning at Gifford's. Mrs. Hayes noted that the building was beautiful and covering it up with an awning was not very attractive. She suggested that the awning be elongated to the parking area instead of along the building.

Mr. Szymanski stated that he would submit a formal site plan with updated plans in 2 weeks.

Mrs. Hayes also asked that Mr. Szymanski provide a total square footage of signs.

Ms. Hicks moved to table the modification to application #122-09C. Mr. Winter seconded and the motion carried unanimously.

6.B.5. Economic Development

Mrs. Hayes noted that she talked with Jocelyn Ayers, from the Northwest Hills Council of Government, and Ms. Ayers noted that Kent was really the only town that has not taken advantage of Goman and York, the Economic and Development company that the NW COG has coordinated with to help the businesses in the Northwest Corner. She added that Dusty McMahon from Goman and York, will review the landscape plan for the Kent Village Barns. They will also look at the proposed location of the public restrooms.

7. STAFF REPORT:

8. REPORT OF OFFICERS AND COMMITTEES:

8.A. Incentive Housing Zone Study Subcommittee update.

TOWN OF KENT PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES FOR AUGUST 13, 2015

These are draft minutes. Corrections may be made by the Commission at the subsequent meeting. Please refer to subsequent meeting minutes for possible corrections and approval of these minutes.

Mrs. Hayes stated that the Board of Selectmen had signed the contracts for Anchor Engineering and Planometrics. Glenn Chalder and Denise Lord would be attending the next meeting as well as Mike Everett.

9. OTHER COMMUNICATIONS AND CORRESPONDENCE:

9.A. Administrative Permits and Certificates of Compliance

The Commission received this document.

9.B. *Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter*, Summer, 2015

The Commission received this document.


9.C. Town of Sherman Legal Notice; Warning of Public Hearing

The Commission received this document.

10. ADJOURNMENT

Mr. Winter moved to adjourn at 9:38 p.m. Ms. Hicks seconded and the motion carried unanimously.

Respectfully submitted,


Jennifer Calhoun
Land Use Clerk

Steve Pener
44 Old Stone Rd
PO Box 2
Gaylordsville, CT 06755

August 6, 2015

Town of Kent
Planning & Zoning Commission
Kent, CT 06757

Dear Commission Members:

I recently spent time reviewing Kent Center LLC's *Village District Architectural Review Board Pre-Application* on file with the Land Use Department. I feel strongly that the proposed signage for the development known as the Village Barns is not in keeping with the character of Kent's Village Center and does not meet many regulations found in Section 19 of the Town's zoning regulations. I also question whether any forthcoming zoning application should be viewed as a modification to an existing approved site plan.

First, the proposed signage includes many large "unified development" signs branding the *Village Barns* complex painted directly on buildings. Section 19.4.2d states that "No wall signs shall be painted directly upon any wall except as approved by the Commission". I would interpret this to mean that these types of signs are generally frowned upon.

Second, when "unified development" signs are permitted for commercial, industrial, office, or mixed-use developments, they shall be limited to a total of 18 SF (Section 19.7.5). I have not done the calculations, but the proposed Village Barn signs would seem to greatly exceed the amount permitted.

I understand the Village Barns complex is part of the *Alternative Signage Program for Large Developments (Section 19.8)* which allows for some flexibility. That being said, the Alternative Signage regulations state clearly that signage shall "be consistent with the purpose of this Section and these Regulations" (19.8.2a). And furthermore, the signage shall "result in overall design that enhances identification of individual businesses within the development" (19.8.2c). The proposed Village Barns signage does little to promote the individual businesses within the development and is not consistent with basic signage regulations.

As changes to the "Village Barns" development move through the Planning & Zoning Commission's jurisdiction, I would hope special attention is made to not only signage, but also how all proposed

changes to landscaping, hardscaping, and driveway/sidewalk/road configurations will affect neighboring properties and the town's streetscape.

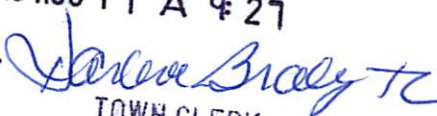
I would also like the commission to decide whether changes to the development at this point should be deemed mere "modifications" to an existing approved site plan. Based on the fact that the House of Books building, Gleason barn, and perhaps the Bull House were not even part of the original approved Site Plan, one could argue that any major change to the ever-growing "Village Barn" complex should be reviewed as an entirely new Site Plan.

I would like to thank the Board for their time and consideration.

Sincerely,



Steve Pener

RECEIVED FOR RECORD
KENT TOWN CLERK
2015 AUG 17 A 9:27
BY  TC
TOWN CLERK