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**TOWN OF KENT
ZONING BOARD OF APPEALS**

41 Kent Green Boulevard
P.O. Box 678
Kent, CT 06757

JULY 10, 2018 REGULAR MEETING MINUTES

The Town of Kent Zoning Board of Appeals held a regular meeting on July 10, 2018 at 7:00 p.m. in the Kent Town Hall.

- 1) Call to Order and Roll Call

Mr. DiPentima called the meeting to order at 7:00 p.m.

Board Members Present: Anthony DiPentima, Chairman; Anne Bisenius, Nick Downes, Daniel Murray, John Noneman, Patricia Oris, Michael VanValkenburg

Staff Present: Donna Hayes, Secretary/Clerk

- 2) Appointment of Alternates(s) to Voting Status.

Mr. DiPentima elevated Ms. Oris to voting status.

- 3) Acceptance or Revision of Agenda

Mr. Van Valkenburg moved to accept the agenda as presented. Mr. Noneman seconded and the motion carried unanimously.

- 4) Reading and Approval of Regular Meeting Minutes of June 12, 2018.

Mr. Murray moved to approve the Regular Meeting Minutes of June 12, 2018 as presented. Mr. Downes seconded and the motion carried unanimously.

- 5) Recess Meeting. Convene Hearing:

The hearing convened at 7:01 p.m.

- 5.1. Application #04-18, Rita Kho, 41 Johnson Road, relief from Section 5.5, Side Yard Setback, for the installation of three (3) 120 gallon above ground lp tanks, Map19 Block 15 Lot 28.

Ms. Kho explained to the Commission that during this past winter's ice jam, the house had approximately 8' of water in the basement which damaged the furnace, hot water tank and water softener. In order to make the house livable, the Building Official suggested that a new furnace, hot water tank and the electrical panel be moved to the first floor of the house. Due to the size of the first floor, there was no space to put the new furnace except in the stairway to the basement. The only size furnace that could fit in that area was a propane fired system. The only system that is remaining in the basement is the water softener.

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When asked if the Building Official approved the placement of the propane tanks in their current location, Ms. Kho responded that was the best location. They were placed there in order for the residents to return to the house and have heat and with the understanding that a variance would be needed for their permanent placement.

Mr. Murray asked if the tanks were placed on the highest elevation of the property as concern was expressed due to the fact that the house is located within the floodplain. Ms. Kho said that was correct. She also explained that the tanks were secured to the ground using a floodplain approved auger system.

Ms. Oris asked if the tanks were visible by the neighbors. Ms. Kho reported that they were only visible from Johnson Road as they were placed against a 6' high stockade fence.

6) Close Hearing. Brief Recess

The hearing was closed at 7:12 p.m. and no recess was held.

7) Reconvene Meeting. Action on Appeal(s) Heard

The meeting reconvened at 7:12 p.m.

Mr. Murray moved to approve Application #04-18, Rita Kho, 41 Johnson Road, relief from Section 5.5, Side Yard Setback, for the installation of three (3) 120 gallon above ground lp tanks, Map19 Block 15 Lot 28 as they are situated right now. A real hardship does exist which is evident from this past winter with all the flooding. It is a question of safety and welfare due to the fact that they have to have a means to heat the home. The tanks placement will not affect the grand plan or the character of the neighborhood. Mr. Van Valkenburg seconded.

Mr. DiPentima added that the Building Official had rendered the property unlivable but for the installation of this new heating system and the placement of the lp tanks. There is a hardship that does exist which is not self-imposed and there is no impact on the overall plan of the village and is consistent with the plan.

Mr. Van Valkenburg seconded the addition to the motion and the motion carried unanimously.

8) Old Business

No action taken.

9) New Business

No action taken.

10) Communications

10.1. Monthly Financials – July 2017 through May 2018.

No action taken.

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- 11) **Executive Session. Pending Litigation: William H. Watts and Joanne Lee Watts v Zoning Board of Appeals of the Town of Kent and Edward J. Schullery. Discussion of strategy and negotiations with legal counsel.**

Mr. DiPentima moved to go into Executive Session at 7:16 p.m.

The Board came out of Executive Session at 7:19 p.m.

- 12) Open session involving discussion and possible action.

No action taken.

- 13) Adjourn

Mr. Noneman moved to adjourn at 7:20 p.m. Mr. Murray seconded and the motion carried unanimously.

Respectfully submitted,

Donna M. Hayes

Donna M. Hayes, CZEO
Secretary/Clerk

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