

**TOWN OF KENT
ZONING BOARD OF APPEALS**

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

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2015 DEC -9 A 9:59

BY *Donna M. Hayes* 12
TOWN CLERK

DECEMBER 8, 2015 REGULAR MEETING MINUTES

The Town of Kent Zoning Board of Appeals held a regular meeting on December 8, 2015 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; Nick Downes, Ed Hoffman, John Noneman, Michael Van Valkenburg

Staff Present: Donna M. Hayes, Secretary/Clerk

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

No action taken.

3) Acceptance or Revision of Agenda

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

4) Reading and Approval of Regular Meeting Minutes of November 10, 2015.

Mr. Hoffman moved to approve the Regular Meeting Minutes of November 10, 2015 as written. Mr. Downes seconded and the motion carried unanimously.

5) Recess Meeting. Convene Hearing: The hearing was convened at 7:01 p.m.

5.1. Application #06-15, David & Deborah Bain, 21 North Main Street, seeking relief from section 18.2.2.a., access aisles, Map 19 Block 14 Lot 3.

Mr. Bain was present to address the Board and explained that he had applied for a special permit to Planning & Zoning to convert the structure at 21 North Main Street to a mixed use; commercial on the bottom floor/residential on the second. During the presentation to P&Z, it was noted that his existing driveway was not in compliance with the current regulations; as a result, P&Z had recommended that Mr. Bain apply for a variance.

Mr. Hoffman asked how long ago the second floor was residential. Mr. Bain said that when he purchased the property back in the 1980's, there was an apartment on the second floor. During his ownership, it was converted to office space. Mr. Bain also noted that prior to the creation of Planning & Zoning, the structure was a residence. Mr. Bain presented pictures to the Board and showed that widening the driveway would result in the loss of 2 well established trees and

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possible damage to the roots of a very large elm that could die as a result. He also pointed out that there is a State owned storm drain which would have to be moved if his application was denied.

Mr. Hoffman commented that he would consider the driveway a pre-existing, non-conforming use and felt that the last thing the Town would want in the center of Town was a double width driveway.

Mr. DiPentima asked the Board for comments/questions. Mr. Hoffman replied that he felt, from the Town's perspective, they are trying to preserve the character of the Town and putting in a 24' driveway does not serve that purpose. He also commented again that he felt that this was a pre-existing, non-conforming use as the regulations have been changed over time. Mr. DiPentima agreed with Mr. Hoffman's reasoning.

Mr. Hoffman stated that he did not think that a variance was needed in this case because the driveway is pre-existing, non-conforming. He also commented that one of the things that the POCD is trying to encourage is bringing people back into Town. Mr. DiPentima agreed and said that he would not like to set a precedent by approving this type of variance. Mr. Van Valkenburg responded by saying that the Board has always said that each application stands on its own. Mr. DiPentima agreed, but said that the precedent still stands. Mr. Downes commented that expanding the driveway is not in keeping with the Town's Plan of Conservation and Development and that paving a 24' wide driveway would reduce the character of the Town. Mr. Van Valkenburg said that he would recommend giving the variance as there is not enough traffic going in and out of the driveway to warrant the increased width and he would consider more blacktop and less green as the hardship.

6) Close Hearing. Brief Recess

The hearing was closed at 7:09 p.m. and there was no recess.

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

The meeting reconvened at 7:10 p.m.

Mr. Van Valkenburg moved to approve Application #06-15, David & Deborah Bain, 21 North Main Street, seeking relief from section 18.2.2.a., access aisles, Map 19 Block 14 Lot 3 as this is consistent with the overall Town Plan of Conservation of Development. Mr. Downes seconded and the motion carried unanimously.

8) Old Business

No action taken.

9) New Business

9.1. Approval of 2016 REVISED Regular Meeting Schedule

Mr. Downes moved to approve the 2016 REVISED Regular Meeting Schedule. Mr. Hoffman seconded and the motion carried unanimously.

9.2. Election of Officers

Mr. Downes moved to reappoint Mr. DiPentima as Chairman. Mr. Van Valkenburg seconded and the motion carried with Mr. DiPentima abstaining.

10) Communications

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10.1. Financial update – July through October, 2015.

No action taken.

- 11) **Executive Session. Pending Litigation: Mauri v Town of Kent, Docket No. LLI-CV-14-6009906-S in Litchfield Superior Court. Discussion of strategy and negotiations with legal counsel.**

The Board did not go into Executive Session.

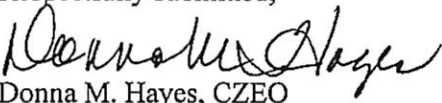
- 12) Open session involving discussion and possible action.

No action taken.

- 13) Adjourn

Mr. Hoffman moved to adjourn at 7:28 p.m. Mr. Downes seconded and the motion carried unanimously.

Respectfully submitted,



Donna M. Hayes, CZEO
Secretary/Clerk

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