

**TOWN OF KENT  
ZONING BOARD OF APPEALS**

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

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KENT TOWN CLERK

2017 JUN 16 A 11:00

BY *Donna Hayes*  
TOWN CLERK

**JUNE 13, 2017 REGULAR MEETING MINUTES**

The Town of Kent Zoning Board of Appeals held a regular meeting on June 13, 2017 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, Edward Hoffman,  
Daniel Murray, John Noneman, Michael VanValkenburg

Staff Present: Donna Hayes, Secretary/Clerk

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

Mr. DiPentima elevated Ms. Bisenius and Mr. Noneman to voting status.

3) Acceptance or Revision of Agenda

*Mr. Hoffman moved to accept the agenda as presented. Mr. Downes seconded and the motion carried unanimously.*

4) Reading and Approval of Regular Meeting Minutes of December 13, 2016.

*Mr. DiPentima moved to approve the Regular Meeting Minutes of December 13, 2016, as written. Mr. VanValkenburg seconded and the motion carried unanimously.*

5) Recess Meeting. Convene Hearing:

The meeting recessed at 7:02 p.m. and the hearing convened.

**5.1. Application #01-17, Peter Balch, Sr., for Cynthia M. and Wayne C. Gustafson, Trustees, 21 Bridge Street, Certificate of Approval for Motor Vehicle Sales, Services and Repair Uses, Map 19 Block 13 Lot 10.**

Mr. Balch and Ms. Carado were present to address the Board and explained that he was transferring his current business from Danbury to this new location due to the long commute from Harwinton. When asked what he will be doing, Mr. Balch explained that he runs a European car repair service that specializes in Volvo repair. Ms. Bisenius asked if he would be putting up any signs and Mr. Balch replied that he would be and that his signs will be replacing Mr. Gleason's signs when Mr. Gleason moves out. Mr. DiPentima asked if he would have any employees and Mr. Balch replied that he is the sole employee. Mr. Hoffman asked if there would be any sales of cars and Mr. Balch replied that his business is only repairs. The planned hours of operation would be Monday – Friday, 8:00 a.m. to 4:00 p.m.

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Ms. Hayes referred the Board to the letter written by Mr. Balch which explains how his business will be run. She also reminded them of the approval that was given to Mr. Mauri, owner of Iron Horse Customs, when he opened his business at the same location in 2015. Mr. DiPentima asked about the handling of the toxic waste and Mr. Balch replied that he had provided the Board with all the information with regard to the DEEP and DMV licensing.

With regard to signage, Ms. Hayes informed Mr. Balch that he would have to appear before the ARB when it came time to install his signs. She also asked him how many cars he would normally work on in a day. Mr. Balch said that he usually works on 4 cars a day. When asked what would happen to cars that would need to be held overnight, Mr. Balch said that the car would remain in the bay.

Having no further questions, Mr. Downes made the following motion:

*Mr. Downes moved to approve Application #01-17, Peter Balch, Sr., for Cynthia M. and Wayne C. Gustafson, Trustees, 21 Bridge Street, Certificate of Approval for Motor Vehicle Sales, Services and Repair Uses, Map 19 Block 13 Lot 10 with the understanding that any signage would be installed per the regulations and with approval from the Architectural Review Board. Mr. Hoffman seconded and added that since Iron Horse Customs, LLC operates until 6:00 p.m., Monday – Friday, Mr. Balch's hours of operation could be 8:00 a.m. to 6:00 p.m. Mr. Downes accepted the amendment to his motion and the motion passed unanimously.*

**5.2. Application #02-17, Michael and Donna Culbert, 265 South Kent Road, relief from Section 5.5., Area and Dimensional Requirements, Map 6 Block 40 Lot 3.**

Ms. Culbert was present to address the Commission. She explained that the proposal was to add a 10' x 12' to the southerly size of their pre-existing, non-conforming existing garage. Mr. Murray commented that while the garage is pre-existing non-conforming, increasing the non-conformity by adding the shed was a concern. Ms. Culbert showed the Board a video of the property which shows the garage at the bottom of the driveway and on the flattest part of the property. The driveway then winds upward to the house. Ms. Culbert pointed out that there is an area on the way up the driveway that is fairly flat, but that is where the septic is located. Based on the topography, the proposed location is the only place that the shed could be located.

Mr. DiPentima asked Ms. Culbert when the house was built and she replied that it was built in 1955. Mr. DiPentima agreed with Mr. Murray but stated that the structure was erected prior to zoning and considered the topography to a special circumstance.

*Mr. Hoffman moved to approve Application #02-17, Michael and Donna Culbert, 265 South Kent Road, relief from Section 5.5., Area and Dimensional Requirements, Map 6 Block 40 Lot 3 based on the fact that a hardship had been shown; namely the topography of the property and the fact that there was no other area on the property to place the shed; and the fact that the homeowner should not be deprived of the usefulness of their property. Mr. VanValkenburg seconded. Mr. DiPentima agreed that there was a hardship/special circumstance and even though there was an expansion, the expansion was de minimis. The motion carried unanimously.*

**6) Close Hearing. Brief Recess**

There was no brief recess.

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

The actions were made at the end of each discussion.

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8) Old Business

No action taken.

9) New Business

No action taken.

10) Communications

**10.1. Monthly Financials, FY '16 - '17, July 2016 through April 2017.**

No action taken.

**10.2. Connecticut Federation of Planning and Zoning Agencies, Quarterly Newsletter, Winter 2017 and Spring 2017.**

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.**

*Ms. Bisenius moved to enter 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 at 7:25 p.m. Mr. Hoffman seconded and the motion carried unanimously.*

The Board came out of Executive Session at 8:03 p.m.

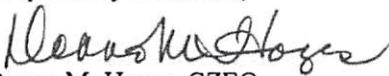
12) Open session involving discussion and possible action.

No action taken.

13) Adjourn

*Mr. Downes moved to adjourn at 8:05 p.m. Mr. Hoffman seconded and the motion carried unanimously.*

Respectfully submitted,

  
Donna M. Hayes, CZEO  
Secretary/Clerk

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