

**TOWN OF KENT**  
**PLANNING AND ZONING COMMISSION**

41 Kent Green Boulevard  
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Phone (860) 927-4625 Fax (860) 927-4541

**June 11, 2020 REGULAR MEETING MINUTES**  
**VIA ZOOM CONFERENCE**

The Town of Kent Planning and Zoning Commission held a regular meeting on Thursday, **June 11, 2020 at 7:00 p.m.**

**1. CALL TO ORDER**

Chairman Winter called the meeting to order at 7:03 p.m.

**2. ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED**

Commissioners Present: Matt Winter, Karen Casey, Marc Weingarten, Darrell Cherniske, Alice Hicks, David Birnbaum, Adam Manes, Anne McAndrew,

Staff Present: Donna Hayes, Land Use Administrator and Tai Kern, Land Use Clerk

Anne McAndrew was elevated to voting status.

**3. READING AND APPROVAL OF MINUTES:**

**3.A.** Special Meeting Minutes of May 14, 2020.

*Mr. Manes moved to approve the Special Meeting Minutes of May 14, 2020. Mr. Wintergarten seconded and the motion carried unanimously.*

**3.B.** Regular Meeting Minutes of May 14, 2020.

*Mr. Weingarten moved to approve the Regular Meeting Minutes of May 14, 2020. Mr. Manes seconded and the motion carried unanimously.*

Karen Casey joined the meeting at 7:07 pm.

*Mr. Manes moved to relocate items 6.B.1 and 6.B.2 to the top of the agenda. Ms. McAndrew seconded and the motion carried unanimously.*

**4. PUBLIC COMMUNICATIONS (ORAL):**

N/A

## **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.** Discussion on creating a revised definition of “convalescent home” or similar institutional term.

The group agreed to prepare potential definitions for submission to the Land Use Office for discussion at future meetings. The Commission directed that the land use attorney be consulted with regard to this definition due to the possible litigation.

*Mr. Manes moved to table discussion on creating a revised definition of “convalescent home” or similar institutional term. Ms. Hicks seconded and the motion carried unanimously.*

#### **5.B.2.** Planning schedule for the rewrite of the Subdivision Regulations dated June 1, 1995.

*Mr. Manes moved to table planning schedule for the rewrite of the Subdivision Regulations dated June 1, 1995. Mr. Weingarten seconded and the motion carried unanimously.*

### **6.B. DISCUSSION AND POSSIBLE DECISION**

#### **6.B.1.** Lot Line Revision between 10 North Main Street Map 19 Block 42 Lot 29 and 9 Maple Street Map 19 Block 42 Lot 35.

It was explained that the intent of this lot line adjustment is to ensure that the proposed parking spaces on located on the appropriate lot with regard to the requested modification (see agenda item 6.B.2.). It was noted that the new map does not accurately reflect the modification and Hiram Williams explained that the mapping will be corrected and submitted for signature.

Donna Hayes reported that the Architectural Review Board has approved the modification presented under item 6.B.2.

*Mr. Weingarten moved to approve the Lot Line Revision between 10 North Main Street Map 19 Block 42 Lot 29 and 9 Maple Street Map 19 Block 42 Lot 35. Mr. Manes seconded and the motion carried unanimously.*

#### **6.B.2.** Modification to Application #74-17C, Hiram Williams for Kent Center, LLC, 10 North Main Street, alterations to existing building and change of use from residential/commercial to commercial, Map 19 Block 42 Lot 29. **Modifications to include: new configuration of the required second means of egress from the existing gallery; installation of two (2) accessibility ramps; outdoor terrace associated with the retail space at the south east corner of the new addition; creation of one service yard to house required mechanical systems; relocation of three parking spaces; and, respective changes to the approved planting plan.**

Donna Hayes noted that the ARB had no opinion regarding the material used for the egress stairway.

*Mr. Weingarten moved to approve the modification to Application #74-17C, Hiram Williams for Kent Center, LLC, 10 North Main Street, alterations to existing building and change of use from residential/commercial to commercial, Map 19 Block 42 Lot 29. **Modifications to include: new configuration of the required second means of egress from the existing gallery; installation of two (2) accessibility ramps; outdoor terrace associated with the retail space at the south east corner of the new addition; creation of one service yard to house required mechanical systems; relocation of three parking spaces; and, respective changes to the approved planting plan.** The motion was seconded by Ms. Casey and carried unanimously.*

## **6. NEW BUSINESS:**

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

Darrell Cherniske recused himself and left the meeting at 7:29 pm. David Birnbaum was seated as a voting member.

- 6.A.1.** Modification to Applications #106-18SP and 107-18C, by High Watch Recovery Center, Inc., for 54 Carter Road (Map 14 Block 22 Lot 6); 62 Carter Road (Map 14 Block 22 Lot 7); and the 15.48-acre unimproved parcel of land (Map 14 Block 21 Lot 23, Parcel I.D. #1486) abutting the northerly line of Carter Road and the southeasterly line of 47 Carter Road, for a special permit and site plan approval for the following: Construction of two-story addition (including offices, 218-seat lecture hall and 12-bed detoxification wing) to existing administrative and clinical office building at 62 Carter Road; single story addition and kitchen expansion to dining hall at 62 Carter Road; addition of detoxification service at 62 Carter Road; increase in total residential in-patient bed count from 78 to 90 at 62 Carter Road; conducting therapeutic activities (including temporary housing of staff) associated with the treatment of drug and alcohol addiction at 54 Carter Road; constructing expanded landscaping/vegetative screening, driveway entrance, parking area, retaining wall and stormwater detention basin at 54 Carter Road and 62 Carter Road; constructing new septic system on Parcel I.D. #1486; and associated site work on all three parcels. **Modifications to include: construction of exterior staircase; proposed future metal gazebo; creation of 3 additional detox therapy/group session rooms; creation of 5 additional office spaces; creation of elevated walkway from second floor of detox building; associated roofline adjustment due to creation of additional office spaces; removal of two-tiered wall system; removal of connecting sidewalk at the northeast corner of the pharmacy; slight site alterations due to an additional egress stair; new exterior walk-in cooler and freezer; and, reduction of parking spaces.**

Chairman Winter opened the public hearing at 7:29 pm and read the legal notice of this public hearing for the record. He read a letter from Linda and Daniel Palmer.

Donna Hayes reviewed the plans for the modifications noting the work that has already been done with regard to this proposal. She explained that the only change to the basic footprint of the building is with the exterior staircase; however, the roofline has been changed as well. There is an additional usable square footage as a result of these changes.

Jason Perillo of High Watch came forward and shared his screen to review the proposal with the group. He discussed the changes to parking for safety purposes. They have removed spaces due to the heavily traveled pedestrian area. He confirmed that the spaces still existing are enough to meet regulation requirements. Mr. Perillo explained that two additional rooms have been added for Covid-19 isolation. He clarified that the addition of beds does not give High Watch license for additional patients. Admissions was moved to the front of the building near

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nursing, so that patients would not have to be moved through the building. Also, this would eliminate the need to share offices in Admissions for Covid-19 safety purposes. Additional group spaces were added in order to run more groups in smaller sizes. He explained that the external staircase is from the basement to grade. It will not be visible with the exception of cover. He explained that the change in the roofline cannot be seen from the road and it follows the existing roofline. This creates an additional 1800 square feet for four offices. Mr. Perillo discussed the retaining wall and noted that it has been approved by the Inland Wetlands Commission. He reviewed the new entry noting the copula is a bit higher than the original building plan.

Donna Hayes asked for an explanation of the most recent changes to the Dining Hall submitted to Health and Zoning this week. Paul Jorgenson from Silver Petrocelli explained that a cooler/freezer was added and then more recently a vestibule was added for access.

Matt Winter questioned why the two-tiered retaining wall can be reduced to one and whether the grade was not originally analyzed properly. He also questioned if this reduces the storm drainage calculations. Mike Doherty, Landscape Architect with Milone & McBroom explained that when they analyzed the field conditions, they could raise the grade to eliminate a portion of the proposed hardscape. He explained that with the removal of one wall the need for structures reduced; however, the stormwater calculations remain the same. He confirmed for Mr. Winter that this does not require a DEEP review.

Donna Hayes asked for a description of the elevated walkway. Mike Doherty described the bridge structure that will be deck-like and similar to the boardwalk section set on piles proposed for the rear portion of the building. The walkway is elevated about two feet to bridge over slopes below it. Marco Constantini of Silver Petrocelli explained that by Code they need to provide an exit to the exterior due to the added offices to the second floor. This becomes a handicap accessible egress. He reminded the group that in the previous plan there was an exit stair internally.

The creation of space created by the movement of the coolers and the usable square footage by enclosing the porch was discussed.

Adam Manes discussed the removal of parking spaces and the impact on the fire department's ability to make rescue. Additionally, he noted that quite often during events there is parking on the street. Mr. Perillo explained that the event parking is few and far between and there has been no changes with regard to the Fire Department's access.

Eric Epstein of the KVFD asked that the plans go to the Fire Department for review prior to approval. He explained that the changes in the staircases could affect rescue. He is certain it meets code, but there are operational considerations. Mr. Winter agreed to let the Fire Department have an opportunity to review.

Donna Hayes questioned whether the removal of the 12 spaces affects the handicap spaces. Mike Doherty noted that in total one handicap space was lost, but they still have one space above what was required by Code.

Chairman Winter surveyed the pleasure of the Commission. He reminded the group they have been asked that the Fire Department be consulted. Donna Hayes asked whether the Commission would like Anchor Engineering to review these changes. She noted that the first modification to the Dining Hall was approved by the TAHD, but the second modification is still under review. Additionally, the DEEP has not responded regarding their review as of yet. The group agreed that Anchor Engineering should have the opportunity to review this modification.

The group discussed the work that has already been done with regard to this modification that has not been approved. Chairman Winter explained that this work was done at their own risk and the Commission still has the authority to deny although the work has been done without permits.

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*Mr. Manes moved to continue public hearing for modification to Applications #106-18SP and 107-18C, by High Watch Recovery Center, Inc., for 54 Carter Road (Map 14 Block 22 Lot 6); 62 Carter Road (Map 14 Block 22 Lot 7); and the 15.48-acre unimproved parcel of land (Map 14 Block 21 Lot 23, Parcel I.D. #1486) abutting the northerly line of Carter Road and the southeasterly line of 47 Carter Road, for a special permit and site plan approval for the following: Construction of two-story addition (including offices, 218-seat lecture hall and 12-bed detoxification wing) to existing administrative and clinical office building at 62 Carter Road; single story addition and kitchen expansion to dining hall at 62 Carter Road; addition of detoxification service at 62 Carter Road; increase in total residential in-patient bed count from 78 to 90 at 62 Carter Road; conducting therapeutic activities (including temporary housing of staff) associated with the treatment of drug and alcohol addiction at 54 Carter Road; constructing expanded landscaping/vegetative screening, driveway entrance, parking area, retaining wall and stormwater detention basin at 54 Carter Road and 62 Carter Road; constructing new septic system on Parcel I.D. #1486; and associated site work on all three parcels. **Modifications to include: construction of exterior staircase; proposed future metal gazebo; creation of 3 additional detox therapy/group session rooms; creation of 5 additional office spaces; creation of elevated walkway from second floor of detox building; associated roofline adjustment due to creation of additional office spaces; removal of two-tiered wall system; removal of connecting sidewalk at the northeast corner of the pharmacy; slight site alterations due to an additional egress stair; new exterior walk-in cooler and freezer; and, reduction of parking spaces.** Ms. Casey seconded and the motion carried unanimously.*

- 6.B.2.** Modification to Applications #106-18SP and 107-18C, by High Watch Recovery Center, Inc., for 54 Carter Road (Map 14 Block 22 Lot 6); 62 Carter Road (Map 14 Block 22 Lot 7); and the 15.48-acre unimproved parcel of land (Map 14 Block 21 Lot 23, Parcel I.D. #1486) abutting the northerly line of Carter Road and the southeasterly line of 47 Carter Road, for a special permit and site plan approval for the following: Construction of two-story addition (including offices, 218-seat lecture hall and 12-bed detoxification wing) to existing administrative and clinical office building at 62 Carter Road; single story addition and kitchen expansion to dining hall at 62 Carter Road; addition of detoxification service at 62 Carter Road; increase in total residential in-patient bed count from 78 to 90 at 62 Carter Road; conducting therapeutic activities (including temporary housing of staff) associated with the treatment of drug and alcohol addiction at 54 Carter Road; constructing expanded landscaping/vegetative screening, driveway entrance, parking area, retaining wall and stormwater detention basin at 54 Carter Road and 62 Carter Road; constructing new septic system on Parcel I.D. #1486; and associated site work on all three parcels. **Modifications to include: construction of exterior staircase; proposed future metal gazebo; creation of 3 additional detox therapy/group session rooms; creation of 5 additional office spaces; creation of elevated walkway from second floor of detox building; associated roofline adjustment due to creation of additional office spaces; removal of two-tiered wall system; removal of connecting sidewalk at the northeast corner of the pharmacy; slight site alterations due to an additional egress stair; new exterior walk-in cooler and freezer; and, reduction of parking spaces.**

*Mr. Manes moved to table request for modification to Applications #106-18SP and 107-18C, by High Watch Recovery Center, Inc., for 54 Carter Road (Map 14 Block 22 Lot 6); 62 Carter Road (Map 14 Block 22 Lot 7); and the 15.48-acre unimproved parcel of land (Map 14 Block 21 Lot 23, Parcel I.D. #1486) abutting the northerly line of Carter Road and the southeasterly line of 47 Carter Road, for a special permit and site plan approval for the following: Construction of two-story addition (including offices, 218-seat lecture hall and 12-bed detoxification wing) to existing administrative and clinical office building at 62 Carter Road; single story addition and kitchen*

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expansion to dining hall at 62 Carter Road; addition of detoxification service at 62 Carter Road; increase in total residential in-patient bed count from 78 to 90 at 62 Carter Road; conducting therapeutic activities (including temporary housing of staff) associated with the treatment of drug and alcohol addiction at 54 Carter Road; constructing expanded landscaping/vegetative screening, driveway entrance, parking area, retaining wall and stormwater detention basin at 54 Carter Road and 62 Carter Road; constructing new septic system on Parcel I.D. #1486; and associated site work on all three parcels. **Modifications to include: construction of exterior staircase; proposed future metal gazebo; creation of 3 additional detox therapy/group session rooms; creation of 5 additional office spaces; creation of elevated walkway from second floor of detox building; associated roofline adjustment due to creation of additional office spaces; removal of two-tiered wall system; removal of connecting sidewalk at the northeast corner of the pharmacy; slight site alterations due to an additional egress stair; new exterior walk-in cooler and freezer; and, reduction of parking spaces.** Mr. Weingarten seconded and the motion carried unanimously.

- 6.B.3.** Possible extension to Temporary Modification to Application #11-16C, 45 North Main Street, Map 19 Block 15 Lot 14, to allow the use of the previously operated walk-up window as a temporary drive-through window.

Donna Hayes explained that restaurants are permitted to open on June 17, 2020. The temporary drive-through for 45 North Main expires on June 20, 2020. The Commission agreed that there is no need to extend the temporary drive-through. It can return to a walk-up window as previously permitted.

Mr. Garrity questioned whether the Commission had done any long-term research to find this is an inappropriate use. Chairman Winter explained that this was discussed at length at the last meeting and reiterated that this drive-through window was appropriate at the time. Mr. Garrity asked for a study be done to determine if the Regulation is effective. Chairman Winter explained that they also received a request for a drive-up door that made no sense and created a danger to the public. He noted that this may be a case by case study. The members reminded Mr. Garrity that they had a discussion at length when reviewing the Regulations regarding this matter.

*Mr. Weingarten moved to not extend when expires on June 20, 2020 the Temporary Modification to Application #11-16C, 45 North Main Street, Map 19 Block 15 Lot 14, to allow the use of the previously operated walk-up window as a temporary drive-through window. Mr. Manes seconded and the motion carried unanimously.*

- 6.B.4.** Request for approval of State of Connecticut, Department of Consumer Protection, Liquor Control Division Application for Adding Live Entertainment, Kent Pizza Garden, 17 Railroad Street, Map 19 Block 42 Lot 17.

Donna Hayes explained that the ZEO has the ability to approve the accessory use; however, they have never had such an application. This will be both indoor and outdoor acoustic music. She would like to understand how the Commission feels about this. She has a concern with regulating this to be acoustic and not amplified.

Mr. Weingarten noted that he has concerns with the hours and that it is outside. He explained that not amplified can still be very loud.

The owners, Mr. & Mrs. Kapetanopoulos, explained that they let their music license of 18 years lapse. In the past it was only inside; however, due to Covid -19 they are asking to move it outside. They use one-man band folk music Saturdays 2-4 pm and Sundays 2-6 pm.

The group agreed that they would not regulate this as a Zoning matter and it would remain as it was in the past; a part of the liquor license process. Donna Hayes will sign off on the permit as the ZEO.

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## **7. STAFF REPORT:**

### **7.A. Update on Town Hall opening/procedures/timing**

Jean Speck reported that she will hold off on re-opening Town Hall until September 1st. She will have a table available out front to meet with the public and on occasion the conference room can be available for meeting with the public. They will accommodate the Commissions, if they would like to meet in person again.

## **8. REPORT OF OFFICERS AND COMMITTEES:**

### **8.A. Subdivision Regulation Sub-Committee - previously discussed.**

## **9. OTHER COMMUNICATIONS AND CORRESPONDENCE:**

### **9.A. Administrative Permits and Certificates of Compliance – May 11, 2020 to June 5, 2020. Confirmed received.**

### **10. Open session involving discussion and possible action on Pending Litigation: The Roberti Family, LLC v. Town of Kent, Connecticut and Kent Planning and Zoning Commission of the Town of Kent, Connecticut; and, Potential Litigation: High Watch Recovery Center Main Project Proposed Design Changes.**

*Mr. Manes moved to invite the representing attorneys to the Regular meeting in July. The motion was seconded by Ms. Casey.*

Discussion: Donna Hayes agreed to see if the attorneys can be available on July 9, 2020 at 6 pm. and the motion carried unanimously.

### **11. Freedom of Information (FOI) Request dated January 24, 2020, with regard to 175 Carter Road, Application #44-19SP, for a convalescent home and the disposition of the Application as reflected in the Resolution of Denial approved on November 14, 2019.**

Donna Hayes asked the Commissioners to search their hard drive for anything related to 175 Carter Road to satisfy the FOI request. A screen shot of their File Explorer should be forwarded to the Land Use Office.

## **ADJOURNMENT**

*Mr. Manes moved to adjourn at 9:59 p.m. Ms. Casey seconded and the motion carried unanimously.*

Respectfully submitted,

*Tai Kern*

Tai Kern, Land Use Clerk