

TOWN OF KENT
PLANNING AND ZONING COMMISSION
41 Kent Green Boulevard
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Phone (860) 927-4625 Fax (860) 927-4541

NOVEMBER 12, 2020 REGULAR MEETING MINUTES
VIA ZOOM CONFERENCE

The Town of Kent Planning and Zoning Commission held a regular meeting on Thursday, **November 12, 2020 at 7:00 p.m.**

1. CALL TO ORDER

Chairman Winter called the meeting to order at 7:01 p.m.

2. ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED

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

David Birnbaum was elevated to voting status.

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

3. READING AND APPROVAL OF MINUTES:

3.A. Regular Meeting Minutes of October 8, 2020.

Mr. Wyrick moved to approve the Regular Meeting Minutes of October 8, 2020. Mr. Manes 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.A.1. Application #51-20SP and 52-20C, Vincent Roberti, Jr. for High Watch Recovery Center, Inc., 47 Carter Road, Map 14 Block 21 Lot 17, construction of 30' x 70' greenhouse.

Mr. Manes moved to here Applications 51-20SP and 52-20C after agenda item 6.B.5. Mr. Cherniske seconded and the motion carried unanimously.

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5.B. DISCUSSION AND POSSIBLE DECISION

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

Mr. Manes moved to continue the planning schedule for the rewrite of the Subdivision Regulations until the next meeting. Mr. Wyrick seconded and the motion carried unanimously.

6. NEW BUSINESS:

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

N/A

6.B. DISCUSSION AND POSSIBLE DECISION

6.B.1. Approval of 2021 Planning & Zoning Regular Meeting Calendar

Mr. Manes moved to approve 2021 Planning & Zoning Regular Meeting Calendar. Mr. Wyrick seconded and the motion carried unanimously.

6.B.2. Five Year Capital Plan Project Requests

Donna Hayes discussed the idea of providing members with Chrome Books by adding that as a FY budget item. The Commission determined they had nothing to add to the Five_Year Capital Plan Project Request for FY 26.

Mr. Manes moved that no request will be put forward by the P&Z for additions to the Five-Year Capital Plan for FY26. Ms. Hicks seconded and the motion carried unanimously.

6.B.3. Application #74-20C, Terry Crowe Deegan of Woodford's General Store, LLC, for Kent Center, LLC, 9 Maple Street (3 Old Barn Road), Map 19 Block 42 Lot 35, change of use from office to retail.

Ms. Deegan came forward and described her business plan to provide prepackaged, locally grown and made food as well as home designs. She described it as a modern country store. The space is 18' x12'. She has worked with the Health Dept. and Fire Marshal to assure the store is up to code. The parking requirements would remain the same with this change. She will be the only employee and there will not be a lot of deliveries.

Mr. Manes moved to approve Application #74-20C, Terry Crowe Deegan of Woodford's General Store, LLC, for Kent Center, LLC, 9 Maple Street (3 Old Barn Road), Map 19 Block 42 Lot 35, change of use from office to retail. Ms. Casey seconded and the motion carried unanimously.

6.B.4. Application #75-20C, Wyrick & Associates for Pamela Davis, Kenmont Road, Map 15 Block 22 Lot 95, construction of single-family dwelling, detached garage, future swimming pool, driveway, septic, well and associated site work in HorizonLine Conservation District.

Mr. Wyrick recused himself.

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Gary Hock came forward and reviewed the site map for this activity. He reported that no flood lights will be used. They will use low voltage shielded lighting. Adam Manes noted that he was familiar with the property and this seems to fit well. Karen Casey stated that this is a ridge top, but she does not feel it is seen from anywhere.

Darrell Cherniske questioned whether they plan on much clearing. Mr. Hock noted that most of the area is already cleared. Alice Hicks stated her dislike for the term the “future swimming pool” on the plan and felt the word “future” should be removed and replaced with “proposed”.

Mr. Hock noted that minimal blasting will be required. This is a single-story home built into the ridge with a walkout on the view side. The whole property is not in the HorizonLine. The septic is not included in this area.

Mr. Birnbaum moved to approve the waivers for Application #75-20C, Wyrick & Associates for Pamela Davis, Kenmont Road, Map 15 Block 22 Lot 95, construction of single-family dwelling, detached garage, future swimming pool, driveway, septic, well and associated site work in HorizonLine Conservation District. Mr. Manes seconded and the motion carried unanimously.

Mr. Birnbaum moved to approve Application #75-20C, Wyrick & Associates for Pamela Davis, Kenmont Road, Map 15 Block 22 Lot 95, construction of single-family dwelling, detached garage, proposed swimming pool, driveway, septic, well and associated site work in HorizonLine Conservation District with the understanding that the septic is not within the HorizonLine District and the well and associated site work are not in the line of disturbance and that the word “future” swimming pool be changed to “proposed” swimming pool. Mr. Manes seconded and the motion carried unanimously.

6.B.5. Application 73-20C, Richard and Carolyn Ziegler, 24 Spaulding Farms Lane, Map 12 Block 35 Lot 13, addition of an accessory dwelling to existing detached 2-car garage accessory structure in HorizonLine Conservation District.

Donna Hayes reported that the proposed addition to the existing detached garage accessory structure will be in the HorizonLine. She noted that the existing dwelling cannot remain as is or this will become a two-family house. They will need to remove the kitchen from the existing dwelling to prevent this.

Richard Grisaru, Architect, explained that they have no intention of making this a two family. The existing space has a kitchenette that merely has a microwave, which they will remove. The addition is one floor that connects at the entry level. The unit will have three entrances.

Richard Ziegler reported that this is to be used as a guest quarters for his daughter and her family when they visit. Dan Schiesel, contractor, reported that there will be one light at each door. He doubts if this structure will be visible. Adam Manes stated that he knows the property well and does not feel that the Horizon Line will be impaired.

Matt Winter noted that the placement is in front of the garage. An accessory building between the principal building and the front lot line requires a special permit if it is within 100 feet. This is approximately 42 feet from the road. The existing garage was determined to be pre-existing nonconforming. Mr. Ziegler noted that they have evergreens screening the boundary, which would satisfy the screening requirement of the Regulation.

It was determined that a special permit would be required for this activity and this would be on the agenda for next month along with the HorizonLine approval.

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Mr. Manes moved to table Application 73-20C, Richard and Carolyn Ziegler, 24 Spaulding Farms Lane, Map 12 Block 35 Lot 13, addition of an accessory dwelling to existing detached 2-car garage accessory structure in HorizonLine Conservation District. Mr. Wyrick seconded and the motion carried unanimously.

5. OLD BUSINESS:

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

Mr. Cherniske and Mr. Wyrick recused themselves. Anne McAndrew was elevated to voting status.

5.A.1. Application #51-20SP and 52-20C, Vincent Roberti, Jr. for High Watch Recovery Center, Inc., 47 Carter Road, Map 14 Block 21 Lot 17, construction of 30' x 70' greenhouse.

Ms. Hayes noted for the record that the location of this agenda item should have been placed under section 5.B. since the public hearing had been closed at the prior month's meeting.

The Commission reviewed the information stated on the High Watch website that conflicts with the applicant's testimony at the public hearing. Mr. Winter stated that the fact that they have clients living at Hope House makes this an accessory use and an expansion of a pre-existing nonconforming. Adam Manes noted that if they have clients staying there then they would be in violation of their special permit. The Commission was unsure whether staff or clients reside on the property or whether it is a sober home.

The group reviewed the draft motions of approval and denial. David Birnbaum noted that the greenhouse, as proposed at the public hearing, seems to be in line with the use of the property. Adam Manes agreed that he does not see the greenhouse as an expansion that is detrimental to the neighbors. He feels this is a further intensification and commercialization in a rural zone on a residential road. It has been made very clear that the expansion has affected the neighbors adversely. If approval is accepted, it was agreed it should be noted that there shall be no further intensification of the use.

Matt Winter noted that he personally feels that this is an intensification of a pre-existing nonconforming use. Although, the Commission's consensus was not the same in determining whether they should hear this application.

Mr. Manes moved to accept Resolution of Denial for Application #51-20SP and 52-20C, Vincent Roberti, Jr. for High Watch Recovery Center, Inc., 47 Carter Road, Map 14 Block 21 Lot 17, construction of 30' x 70' greenhouse. Ms. McAndrew seconded and the motion carried 4-2-0. Birnbaum and Hicks opposed

WHEREAS, Applications #51-20SP and 52-20C, were submitted to the Planning and Zoning Commission (Commission) by Vincent Roberti, Jr., for High Watch Recovery Center, Inc., 47 Carter Road, Map 14 Block 21 Lot 17, for a special permit and site plan approval for the construction of a 30' x 70' greenhouse.

WHEREAS, the Commission opened the public hearing on the special permit and site plan requests on September 10, 2020 and continued the public hearing to October 8, 2020.

WHEREAS, the Commission closed the public hearings on the special permit and site plan requests on October 8, 2020.

WHEREAS, following the close of the public hearings, the Commission conducted deliberations on the applications on November 12, 2020.

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WHEREAS, pursuant to §1210 and §1220 of the Kent Zoning Regulations, the purpose and intent of the Regulations is to: protect the public health, safety, convenience and property values; lessen congestion in the streets; secure safety from fire, panic, flood and other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; and facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements. In addition, these Regulations are intended to: confine certain classes of buildings and uses to designated localities or districts; regulate the use of land and the use, location, height and bulk of buildings and structures and determine the area of yards, courts and other open areas surrounding them; prevent activity detrimental to the environment; prevent destruction of the town's natural resources; protect natural, historic and cultural resources; provide for adequate solar radiation, light, air and privacy; provide for convenience of access to property; protect existing and potential surface and groundwater drinking supplies; promote the stability of property uses; promote the maintenance of property values; control the density of population in residential neighborhoods; prevent the overcrowding of land to allow space for adequate water and sewage systems; divide the town into zoning districts for the purposes described in Section 1200 and adopts maps showing the boundaries and the classification of such districts; and prescribe penalties for the violation of the provisions of these Regulations.

WHEREAS, at the conclusion of deliberations, the Commission made the following findings:

- A. With respect to Applications #51-20SP and 52-20C, the Town of Kent Zoning Regulations charges the Commission to consider supplemental site plan and special permit considerations. Those considerations and the Commission's determinations are:
 - a. With regard to §10440.3., which states: *"Whether the proposed use will have a detrimental effect on neighboring properties or the development of the district"*, the Commission finds that based on the representations made by the applicant, it is unclear whether or not this proposed structure and its use would increase the intensity of a use that is pre-existing, non-conforming as a result of its affiliation with the use of 62 Carter Road.
 - b. With regard to §10440.11., which states: *"Whether adequate provisions have been made to moderate or mitigate neighborhood impacts by limiting the intensity of use of the property (including, without limitation, such considerations as the area devoted to the use, the number of people involved in the use, the number of events or activities proposed, the hours of operation, etc.) or by modifying the location or configuration of the proposed use."*, the Commission finds that conflicting information indicates that the proposal could not meet the requirements of this section.

THEREFORE, BE IT RESOLVED, that upon a motion made by Mr. Manes and seconded by Ms. McAndrew, the Commission voted 4 – 2 to deny Applications #51-20SP and 52-20C, which were submitted to the Planning and Zoning Commission (Commission) by Vincent Roberti, Jr., for High Watch Recovery Center, Inc., 47 Carter Road, Map 14 Block 21 Lot 17, for a special permit and site plan approval for the construction of a 30' x 70' greenhouse.

Adopted by the Kent Planning and Zoning Commission this 30th day of November, 2020.

- 6.B.6.** 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

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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: expansion of the flush curb access at accessible parking spaces; reduce the number of stairs at the main entry from 9 to 4 risers; reduce the height of the stone veneered retaining wall along the east side of the parking lot by 3' along its entire length; the addition of new 2' high fieldstone wall between the two parking areas; revise the height of the modular block wall at the southwest corner by raising it 1' for approximately 55 linear feet; the raising of the top frames and inlets of the utility structures; minor revisions to the sloped grades facing the northwest; construction of a bump-out to the west of the main entry drive allowing for the addition of a small median island to house the entry communication box.**

Donna Hayes explained that the Commission must determine whether these changes warrant a public hearing. Also, whether the changes would impact access for emergency vehicles. She noted that the Fire Marshal shared that he had concerns regarding access.

Mike Doherty of Milone and MacBroom came forward and shared his screen to review the plan. He explained that the parking lot change is about a 3-foot change in grade, which allows the accessible spaces to be larger and more flat in grade. The walls required change in elevation as a result. The stone basins would be changed accordingly as well. A stone retaining wall would divide the lots. This is for both aesthetics as well as management of the slope.

Mr. Doherty discussed the entrance and noted it was previously 30 feet wide. They would like to modify the west side. Two feet were lost for the island that accommodates the gate. Models indicate that fire trucks can make it through the 28 ft entrance.

The members determined that a public hearing was not needed for these minor-in-nature changes. The group felt that the emergency services should have the opportunity to review this modification prior to this decision. Donna Hayes agreed to forward the plan to the KVFD and will also review the plan for impact to the wetlands.

Mr. Manes moved to table 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. Ms. Casey seconded and the motion carried unanimously.

Cherniske was reseated and McAndrew stepped down.

7. STAFF REPORT:

N/A

8. REPORT OF OFFICERS AND COMMITTEES:

8.A. Subdivision Regulation Sub-Committee -.

Previously tabled

9. OTHER COMMUNICATIONS AND CORRESPONDENCE:

9.A. Administrative Permits and Certificates of Compliance – October 5 – November 6, 2020.
Confirmed received.

9.B. Monthly Financials – July through September, 2020 - Confirmed received.

9.C. Connecticut Federation of Planning and Zoning Agencies; *Quarterly Newsletter*, Fall 2020
Confirmed received.

ADJOURNMENT

Mr. Birnbaum moved to adjourn at 10:30 p.m. Mr. Cherniske seconded and the motion carried unanimously.

Respectfully submitted,

Tai Kern

Tai Kern, Land Use Clerk