

TOWN OF KENT
PLANNING AND ZONING COMMISSION

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OCTOBER 8, 2020 REGULAR MEETING MINUTES
VIA ZOOM CONFERENCE

The Town of Kent Planning and Zoning Commission held a regular meeting on Thursday, October 8, 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, Marc Weingarten, Adam Manes, Darrell Cherniske
Alice Hicks, David Birnbaum, Anne McAndrew

David Birnbaum and Anne McAndrew were elevated to voting status.

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

3. READING AND APPROVAL OF MINUTES:

3.A. Regular Meeting Minutes of September 10, 2020.

Mr. Weingarten moved to approve the Regular Meeting Minutes of September 10, 2020. Mr. Manes seconded 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):

Mr. Cherniske recused himself.

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.

Chairman Winter re-opened the public hearing. Donna Hayes read aloud letters from Rubin and Dolores Miller and Jerry Miller. She reminded the group that the letter Mr. Perrillo submitted in response to the questions gathered at the first public hearing was previously submitted.

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RECEIVED FOR RECORD
KENT TOWN CLERK

2020 OCT 13 P 3:21

BY *D. Bradley*
TOWN CLERK

The floor was opened to the applicant. Jason Perrillo, Vice President of Communications, came forward and stated that the use of the hoop house or farm is not therapeutic in nature. The goal is to be more self-sustaining. The property will be farmed primarily by staff and residents at 47 Carter Rd.

The floor was opened to the public:

Ellen Altfest questioned whether the Land Use Attorney commented on if this matter should be before the ZBA.

Sharon Songal asked whether 100% of produce grown will be used at High Watch. Mr. Perrillo advised that they would utilize 100 percent on site.

Ellen Altfest noted that she feels this expansion is overriding the Regulation put in place to prevent further expansion. They were supposed to have to show hardship to the ZBA for anything furthering the expansion on a nonconforming use. She feels this hoop house is much more than it appears to be. The Commission should stick to what was agreed upon in February. This proposal is a continuation of creep.

Marc Weingarten asked for clarification of what Ms. Altfest was discussing. Chairman Winter explained this could be considered an expansion of a pre-existing non-conformity due to nonconforming use of the property established in the Regulations.

Karen Altfest questioned why there is a sign for High Watch at the end of Carter Rd. larger than the street sign and asked whether this was approved. She counted 22 trucks the other day, which she stated is a lot for Carter Rd. This has taken over. It is a Godzilla next door. It has spread out like something with a lot of tentacles. People are constantly stopping at her house asking for directions. There is no room for them on their own road.

Mr. Perrillo noted that they do not expect to hire any additional staff for the hoop house.

Rob Colvin commented on the number of trucks on the road and the dangers of the large trucks. He feels there is some double speak going on regarding High Watch being self-sustaining. The neighborhood is tired of having to push back this constant enterprise. He would like for the "yesses" to stop from this Commission. This should be "no". It should have been "no" a long time ago.

David Birnbaum asked about the hydrant in the greenhouse. Vinny Roberti explained there will be a cold water line that will come from the horse barn for irrigation purposes.

Alice Hicks quoted a letter noting a therapeutic agricultural program and guests working in kitchen. She asked for clarification. Jason Perrillo reported that part of therapy is horticultural. They have staff that farm and also have guests that farm the property along side of staff as part of their therapy.

Donna Hayes discussed High Watch's website advertising the Hope House Farm and Farm Stand. She noted that the website says one thing and letter states something else. Jason Perrillo explained that Hope House is what they call 47 Carter Rd. They do not have a farm stand, nor do they intend to. That needs to be removed from the website.

Adam Manes reminded Mr. Perrillo that at the last meeting Vinny Roberti stated that there may be a farm stand and the website concurs; however, now you are saying this was never intended. Mr. Manes also reminded the applicants that every time High Watch comes before the Commission any expansion it is always supposed to the last one per High Watch's testimony. This rural area is quickly not becoming rural. He does not know where High Watch ever plans on ending. He would like to know what their future plans are.

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Mr. Perrillo stated that their plans are to build a 30x70 hoop house.

Marc Weingarten noted that it is unclear whether the hoop house is part of the therapy or not. Mr. Perrillo stated that the reason for this hoop house is to provide to the kitchen across the street. It is conceivably possible that therapeutic uses can be conducted in there, but that is not the goal.

Anne McAndrew asked how many people live at Hope House. Vinny Roberti reported that 6 people live there. Donna Hayes noted that this is a residence. High Watch never came before the Commission to have anyone in the house. If this is a sober house, the ADA comes into play, the Commission cannot get involved.

Matt Winter stated this to be the crux of this discussion; whether the use of this parcel is accessory to the use at 62 Carter Rd.

Karen Casey stated that the Commission already approved this property as an accessory use. She feels the hoop house should be allowed; however, they should be told to stop after that.

Lew Altfest noted that what he is hearing there is no limit to expansion. He feels Kent has worked with High Watch because they do good work. However, there are other towns they can expand to as a second location. Kent is overloaded. They are destroying a neighborhood. Someone has to be firm with these people.

Ellen Altfest finds this to be an expansion regardless of whether it is an approved use. It is very important to hear from the attorney regarding this matter.

Mr. Weingarten moved to close the public hearing at 9:42 pm 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. Mr. Manes seconded and the motion carried unanimously.

Matt Winter noted that this parcel is accessory use to the High Watch program. Any expansion to that use is not permitted. The question is that is this an expansion to the use. There shall be no expansion to this pre-existing nonconforming use per the Zoning Regulations and the matter would have to go to the Zoning Board of Appeals.

Mr. Perrillo stated that this proposal is integral to their operation. He stated that this is a confirmation that this is an accessory use. The Land Use Attorney's opinion was discussed. Mr. Winter noted that the question is whether the use is an accessory or stand alone. Ms. Hicks stated that the "therapeutic" portion of the use is most important to understand.

David Birnbaum noted that it seems there has been some aspect of farming ongoing on this property. The existing agricultural does not seem like an intensification.

Adam Manes explained that he does not disagree with Mr. Birnbaum's statement or the right to farm; however, the ongoing intensification is the issue.

Marc Weingarten noted that he would be opposed if this increased traffic or if a farm stand was part of the proposal. This is not an expansion of the therapy, it is a continuation of the therapy. David Birnbaum agreed that a farm stand would be a clear need for ZBA approval.

Mr. Winter explained that to be clear this would need to be deemed a non-intensification. The original resolution for the accessory use of this property was questioned. Anne McAndrew noted that they are selling the honey on their website; therefore, they are tiptoeing over the line.

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The group considered whether this should be before the ZBA and determined that the P&Z Commission should make this decision. This is not an expansion of a nonconforming use.

The group asked for a more formal response from the attorney, a resolution of approval and denial drafts, and previous approval for 47 Carter Rd. to all be available at the next meeting.

Mr. Manes moved to continue discussion of 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. Weingarten seconded and the motion carried unanimously.

Darrell Cherniske was reseated.

5.B. DISCUSSION AND POSSIBLE DECISION

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

6. NEW BUSINESS:

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

6.B. DISCUSSION AND POSSIBLE DECISION

Mr. Manes moved to move agenda item 6.B.2 to the top of the agenda. Mr. Weingarten seconded and the motion carried unanimously.

6.B.2. Temporary Modification to Application 11-16C, 45 North Main Street, Map 19 Block 15 Lot 14, Kent Coffee & Chocolate for Kevin Hart & Quarter Mile, LLC: Modification to allow drive-thru window during COVID-19 pandemic.

Donna Hayes reminded the Commission that they permitted the drive through window when it was too cold to have tables outside during the pandemic. This is a small space not conducive for people going into the store.

Sharon Songal came forward and explained that they would like to stay in business this winter season by using the drive through window. People would be allowed to be in the store three at a time and the drive up would be allowed to be used as well.

Anne McAndrew noted her concerns that people also use the window as a walk up. Sharon Songal explained that they have had it as both, but this might be because the store was not open. She would be happy to put a sign up stating that this is a drive-thru window only.

Mr. Winter reminded the applicant that the express condition of the original letter was that the area would be restored once the order was lifted. He noted that the tubs blocking the drive-thru were never returned. Ms. Songal explained that she did not realize she was not complying. The planters were being used to protect the outdoor seating.

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Chairman Winter reminded the Commission that they should be prepared to make concessions to other businesses as well. This drive-thru makes sense because the building is conducive to it; however, it is not allowed. This would be a pandemic related decision.

Alice Hicks noted that this is a slippery slope. She advised that the Commission should be prepared for many unusual applications as winter approaches and many businesses will be losing business. People are not happy to go inside during the pandemic.

Mr. Manes moved to approve Temporary Modification to Application 11-16C, 45 North Main Street, Map 19 Block 15 Lot 14, Kent Coffee & Chocolate for Kevin Hart & Quarter Mile, LLC: Modification to allow drive-thru window during COVID-19 pandemic until February 11, 2021. Mr. Weingarten seconded

Discussion: The drive-thru shall be converted back to original condition including planters as barriers to the drive-thru.

The motion carried 7-0-1. Alice Hicks abstained.

Darrell Cherniske recused himself.

- 6.B.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: pavement of existing dirt path on the northerly side of the dining hall; installation of small “smoking pad” on the southerly side of the dining hall; and, the use of bluestone instead of bituminous for the walkways.**

Donna Hayes explained that this was referred to the Commission to determine whether this should go to public hearing. This is for changes to the sidewalks that lead to the hall, to enlarge the patio and change walls to a tiered formation.

Jason Perrillo shared his screen to review the change to the proposal. The main sidewalk will be widened to 10 feet. The sidewalk will be extended along the access road. The patio will be expanded and walkway shifted away from the septic. The walkway will be changing from asphalt to heated bluestone material. The roof overhang will be expanded to link the two existing overhangs. None of these changes will be visible. The single 10-foot wall will be two, tiered 5-foot walls to make it more visually pleasing.

Mike Doherty of Milone and MacBroom noted that the lower tiered wall will remain in the original location. The upper wall will have safety fencing.

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The Commission determined that a public hearing was not warranted for these changes.

Mike Doherty reviewed planting plan for the walls. Approximately 30-inch tall perennials will be used. He confirmed that emergency service access routes will remain the same.

Mr. Manes moved to approve 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: pavement of existing dirt path on the northerly side of the dining hall; installation of small "smoking pad" on the southerly side of the dining hall; and, the use of bluestone instead of bituminous for the walkways. Mr. Weingarten seconded and the motion carried unanimously.

Darrell Cherniske was reelected.

6.B.3. Preliminary discussion; Stacey Spence, 235 Bulls Bridge Road, Map 6 Block 11 Lot 3, operation of home occupation in accessory building located in Business Hamlet District.

Donna Hayes reported that Ms. Spence would like to run a wholesale bakery business out of a detached garage on this property. This is best described as a minor home occupation; however, that is permitted in a dwelling unit and not an accessory building. It was confirmed that her intention is not to have a retail space.

The Commission determined that this comes down to traffic and size to determine whether this is a minor or major home occupation. The Commission advised that Donna Hayes can make this determination without this coming to the Commission.

7. STAFF REPORT:

7.A. Proposal to Board of Selectmen for the creation of a Town Ordinance regarding food trucks.

Donna Hayes noted that a food truck is a temporary structure; therefore, not a zoning matter. Most towns tackle this under the Selectman's Office via an ordinance. She would like the Commission's support to ask the Selectmen to draft an ordinance to handle future food truck requests.

Anne McAndrew stated she feels strongly that food trucks do not belong in town. Donna Hayes explained that under this proposal the townspeople would make this decision when approving or denying the ordinance.

Matt Winter agreed that food trucks are not a permanent fixture.

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Karen Casey agreed this should be under the Selectmen's purview. The Chamber of Commerce should be encouraged to be involved.

Alice Hicks reminded the Commission that they regulate trailers. It was noted that food trucks move from property to property; whereas, trailers would tend to remain on a property for construction or storage. The trailer regulation is not business related.

The group agreed that going forward food trucks should no longer under the purview of Planning and Zoning. Any further inquiries should be handled by the Selectmen's Office.

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 -- September 8 -- October 2, 2020.

Chairman Winter discussed Certificate of Compliance for the art storage building. He does not recall the Commission approving phasing of this project and is happy to hear the other portion of the project is underway.

9.B. Monthly Financials -- July through August, 2020 - reviewed.

ADJOURNMENT

Mr. Manes moved to adjourn at 10:40 p.m. Mr. Weingarten seconded and the motion carried unanimously.

Respectfully submitted,

Tai Kern

Tai Kern, Land Use Clerk