

TOWN OF KENT
PLANNING AND ZONING COMMISSION
41 Kent Green Boulevard
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JANUARY 14, 2021 REGULAR MEETING MINUTES
VIA ZOOM CONFERENCE

The Town of Kent Planning and Zoning Commission held a regular meeting on Thursday, **January 14, 2021 at 7:00 p.m.**

1. CALL TO ORDER

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

2. ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED

Commissioners Present: Matthew Winter, Karen Casey, Adam Manes, Darrell Cherniske
Alice Hicks, Wes Wyrick, Marc Weingarten, Anne McAndrew

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 December 10, 2020.

Under 6.B.3. "Marc Weingarten" was corrected and clarified as "Secretary/Treasurer"

Mr. Manes moved to approve the Regular Meeting Minutes of December 10, 2020 as amended. Ms. Casey 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 #'s 81-20C and 82-20SP, Campland, Inc., 70 Kenmont Road, Map 15 Block 22 Lot 106, after the fact construction of two waterside sheds for weather protection.

Attorney Bill Manasse came forward to represent the applicants. Donna Hayes noted that IWC approval has not been granted.

TOWN OF KENT PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES FOR JANUARY 14, 2021

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Bill Manasse reported that these are essentially sheds. This is not extra housing. They are utilized as changing facilities or a place to get out of rain for campers if they are at the beach during a storm. One of the sheds is a replacement for what was already existing.

Donna Hayes confirmed that all activities on this property are by Special Permits. Chair Winter questioned whether a baseline should be established at this time.

Chair Winter opened the floor for public comment. There was no one who wished to comment.

Karen Casey and Wes Wyrick suggested that this matter be tabled until the IWC approval is granted as this is directly on the water. Adam Manes agreed and noted that there is no reason to rush a decision since this is an after-the-fact permit. This will allow time to establish a baseline for the site with regard to the number of campers permitted. Additionally, distances from the property lines and IWC approval should be provided.

Screening was discussed and Mrs. Hayes reported that she feels that would create more disturbance in the wetland area and this may not be something the IWC would be in agreement about.

Mr. Wyrick moved to table Application #'s 81-20C and 82-20SP, Campland, Inc., 70 Kenmont Road, Map 15 Block 22 Lot 106, after the fact construction of two waterside sheds for weather protection. Mr. Cherniske seconded and the motion carried unanimously.

5.B. DISCUSSION AND POSSIBLE DECISION

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

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

6. NEW BUSINESS:

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

6.A.1. Application #'s 90-20SP and 91-20C, Matthew and Heather Hannan, 25 Good Hill Estates Road, Map 9 Block 22 Lot 38, conversion of existing detached guest house to detached dwelling unit.

Adam Manes recused himself and Anne McAndrew was seated as a voting member.

Chair Winter opened the public hearing at 7:41 p.m. and read aloud the legal notice of this public hearing. Donna Hayes reviewed the staff report for this proposal noting that work had been previously done with the condition that a change use to detached dwelling unit be applied for should a kitchen be added to the structure. There is no approval from TAHD at this time. A small part of the parcel is in the HorizonLine District.

Mrs. Hannan came forward and reported that this would only be interior work. The proposal is for a bathroom, two bedrooms and a small kitchen.

Chair Winter looked for questions or comments from the public or commission members. There were none.

TOWN OF KENT PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES FOR JANUARY 14, 2021

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Mr. Wyrick moved to close the public hearing at 7:53 p.m. for Application #'s 90-20SP and 91-20C, Matthew and Heather Hannan, 25 Good Hill Estates Road, Map 9 Block 22 Lot 38, conversion of existing detached guest house to detached dwelling unit. Mr. Manes seconded and the motion carried unanimously.

Mr. Weingarten moved to grant waivers requested for Application #'s 90-20SP and 91-20C, Matthew and Heather Hannan, 25 Good Hill Estates Road, Map 9 Block 22 Lot 38, conversion of existing detached guest house to detached dwelling unit. Mr. Cherniske seconded and the motion carried unanimously.

Mr. Weingarten moved to approve Application #'s 90-20SP and 91-20C, Matthew and Heather Hannan, 25 Good Hill Estates Road, Map 9 Block 22 Lot 38, conversion of existing detached guest house to detached dwelling unit. Mr. Wyrick seconded and the motion carried unanimously.

Adam Manes was reseated and Anne McAndrew stepped down from voting status.

6.B. DISCUSSION AND POSSIBLE DECISION

6.B.1. Paul Szymanski, Arthur H. Howland, LLC, proposed changes to Section 5, Conservation Development of the Subdivision Regulations and Section 3160, Village Residential Conservation Development Overlay District of the existing Zoning Regulations.

Chair Winter clarified that there is currently no section 3160. This is something Mr. Szymanski is proposing.

Mr. Szymanski came forward and explained that he mimicked RU1 regulations to develop VR1 and VR2 and then slightly decreased the open space as it relates to lot sizes. This concept is less dense than the existing Multiple Dwelling Regulations. Setbacks would slightly decrease as well. Coverage was decreased creating less impervious surfaces. He volunteered to submit a point-by-point comparison.

The group suggested that Glenn Chalder be retained as a consultant to the Commission to review this proposal.

Mr. Weingarten moved to retain Glenn Chalder to review *Paul Szymanski, Arthur H. Howland, LLC, proposed changes to Section 5, Conservation Development of the Subdivision Regulations and Section 3160, Village Residential Conservation Development Overlay District of the existing Zoning Regulations.* Mr. Manes seconded and the motion carried unanimously.

Chair Winter noted that they would have to determine if this would be town sewer or a soil based approach. Paul Szymanski agreed to do some research regarding this matter.

Mr. Manes moved to table Paul Szymanski, Arthur H. Howland, LLC, proposed changes to Section 5, Conservation Development of the Subdivision Regulations and Section 3160, Village Residential Conservation Development Overlay District of the existing Zoning Regulations. Mr. Wyrick seconded and the motion carried unanimously.

Mr. Manes moved to move forward on the agenda 6.B.3 and 6.B.4. Mr. Weingarten seconded and the motion carried unanimously.

TOWN OF KENT PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES FOR JANUARY 14, 2021

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- 6.B.3.** Proposal by Gina Olson, owner of Chestnut Woodworking & Antique Flooring Co. and Tarot in Thyme, for outdoor shopping and monthly music events, 31 North Main Street, Map 19 Block 14 Lot 1.

Donna Hayes reported that during Covid music events were permitted on a small scale to this business. Ms. Olson has requested to do sidewalk type sales with music on a regular basis.

Gina Olson came forward and explained that this would be helpful for business as many are not interested in shopping inside businesses lately. She would allow one guest vendor to set up outside her store per weekend.

Anne McAndrew suggested that she work through the Chamber to set up a schedule to allow all the businesses the opportunity to participate. Marc Weingarten noted that he feels that 3rd party vendors seems too much like a flea market. Alice Hicks noted concerns with traffic. Karen Casey suggested taking items on consignment instead of 3rd party vending. Darrell Cherniske noted that not every business has the opportunity to be creative in the same way. Since this property has a large front yard they should be allowed to utilize it.

The group reviewed Section 4131.4 regarding the display of merchandise as of right. The Commission considered extending the number of feet permitted during this difficult time. It was agreed that the Chamber should be reached out to and a representative should be asked to come forward with their thoughts at next month's meeting.

- 6.B.4.** Request for determination from the Commission for conversion of 9, 11 and 13 Railroad Street to multi-family residential use.

Karen Casey recused herself and Anne McAndrew was elevated to voting status.

Donna Hayes explained that there is nothing in the Regulations that will allow this configuration of a multi-family residential use. The proposal is to change the Regulations to bring the Village Center Residential 1 to the Commercial District.

Mr. McPhee and Mr. Kokoris came forward and explained that these units would be better utilized as residential and noted that they would like to do this in keeping with the character of Kent. The configuration would be a studio, 1 one-bedroom and 1 two-bedroom units.

The group agreed to ask Glenn Chalder to consult with regard to this matter.

Steve Peneer came forward and suggested that this proposal falls under page 60 of the Regulations; the adaptation for "multi-family use" and this should not be interpreted as a "multi-family building".

The members agreed that Donna Hayes will consult with Glenn Chalder to determine if this fits within the existing regulations or to assist with the possibility of adding this use.

TOWN OF KENT PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES FOR JANUARY 14, 2021

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The applicant questioned whether they could attach two of the structures and use the remaining as an accessory. Chair Winter suggested that Mr. Pender review the setbacks to see if this would be permitted.

Karen Casey was reseated and Anne McAndrew stepped down.

6.B.2. 2012 Town of Kent POCD – Review and possible changes of page 1 – 18

Mr. Wyrick moved to table 2012 Town of Kent POCD – Review and possible changes of page 1 – 18. Mr. Manes seconded and the motion carried unanimously.

6.B.5. Food Trucks

It was agreed this would be removed from the agenda and research regarding how other towns will handle this matter will be done.

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 – December 7, 2020 to January 8, 2021. Confirmed received.

9.B. Member listing with 2021 meeting dates. Confirmed received

9.C. Letter from Ellen Altfest, Rob Colvin, Jr., Karen Altfest and Lewis Altfest with attachments undated but received by the Land Use Office on January 12, 2021, regarding 47 Carter Road Map 14 Block 21 Lot 17.

Ellen Altfest questioned what can be done when a powerful organization does not comply with the rules.

Chair Winter confirmed that the existing residence was to be used for staff housing. He questioned what they are doing that is in violation.

Adam Manes noted they have purchased several properties on Carter Road. Karen Altfest explained that they are pushing everybody on Carter Road out. Chair Winter stated that this may be the case, but there is nothing that can be done if they are not in violation.

Ellen Altfest reported that this house was supposed to be used for staff and it is a sober home. Donna Hayes explained that these are people that finished the program and are now working for High Watch. Ellen Altfest

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REGULAR MEETING MINUTES FOR JANUARY 14, 2021

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suggested that this is something that can be determined by inspection. Additionally, they have added a huge farming operation and not just a few plants as stated as part of the application.

Chair Winter explained that, while the Commission understands the neighbors' frustrations, without a violation the Zoning Commission has no jurisdiction to do anything. Karen Casey agreed and added that it may be too late to save this neighborhood. The expansions were approved as per the Zoning Regulations.

Mr. Weingarten stepped down at 10:25 p.m. noting that the Commission has spent an abundance of time considering High Watch. Anne McAndrew was seated as a voting member.

10. EXECUTIVE SESSION: Pending Litigation: High Watch Recovery Center, Inc. v Town of Kent Planning and Zoning Commission in Superior Court, Judicial District of Litchfield at Torrington dated November 27, 2020. Discussion of strategy and negotiations with legal counsel.

Mr. Winter moved to enter into Executive Session at 10:29 p.m. regarding High Watch Recovery Center, Inc. v. Town of Kent Planning and Zoning Commission in Superior Court, Judicial District of Litchfield at Torrington dated November 27, 2020. Discussion of strategy and negotiations with legal counsel. Mr. Manes seconded and the motion carried unanimously.

Mr. Manes moved to exit Executive Session at 10:39 p.m. regarding High Watch Recovery Center, Inc. v Town of Kent Planning and Zoning Commission in Superior Court, Judicial District of Litchfield at Torrington dated November 27, 2020. Discussion of strategy and negotiations with legal counsel. Ms. Casey seconded and the motion carried unanimously.

11. Open session involving discussion and possible action on Pending Litigation: High Watch Recovery Center, Inc. v Town of Kent Planning and Zoning Commission in Superior Court, Judicial District of Litchfield at Torrington dated November 27, 2020.

Mr. Manes moved to follow the recommendations of the Attorney and have Donna Hayes report back to the Commission as this matter progresses. Ms. Casey seconded and the motion carried unanimously.

ADJOURNMENT

Mr. Manes moved to adjourn at 10:43 p.m. Mr. Cherniske seconded and the motion carried unanimously.

Respectfully submitted,

Tai Kern

Tai Kern, Land Use Clerk