

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

MARCH 11, 2021 REGULAR MEETING MINUTES
VIA ZOOM CONFERENCE

The Town of Kent Planning and Zoning Commission held a regular meeting on Thursday, **March 11, 2021 at 7:00 p.m.**

1. CALL TO ORDER

Chair Winter called the meeting to order at 7:05 p.m.

2. ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED

Commissioners Present: Matthew Winter, Adam Manes, Darrell Cherniske,
Alice Hicks, Wes Wyrick, David Birnbaum

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 February 11, 2021.

Mr. Manes moved to approve the Regular Meeting Minutes of February 11, 2021. Ms. Hicks seconded and the motion carried unanimously.

3.B. Special Meeting Minutes of February 24, 2021.

Mr. Manes moved to approve the Special Meeting Minutes of February 24, 2021. Mr. Wyrick 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. Planning schedule for the rewrite of the Subdivision Regulations dated June 1, 1995.

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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 09-21SP and 10-21C, Paul Szymanski, PE, Arthur H. Howland & Associates for Raphael & Courtney Posner, 21 Oak Ridge Road, Map 10 Block 41 Lot 19, construction of a one-bedroom detached dwelling unit/pool house, driveway extension, deck, septic and associated site work.

Chair Winter opened the public hearing at 7:10 pm and read the legal notice of the hearing aloud.

Donna Hayes reported that this property is in the Iron Mountain subdivision. A pool exists in front of the house and they would like to add an accessory dwelling pool house in between the pool and the main house. A wetlands and health department approval has been given. This is beyond the 100 ft. required setback and the required screening is in place. This is a five acre parcel and is not within the HorizonLine.

David Birnbaum arrived at 7:14 and was elevated to voting status.

Chair Winter looked for questions from the public. There were none.

Paul Szymanski noted that all lighting would be residential style to minimize the light leakage.

Mr. Wyrick moved to close the public hearing for application #'s 09-21SP and 10-21C, Paul Szymanski, PE, Arthur H. Howland & Associates for Raphael & Courtney Posner, 21 Oak Ridge Road, Map 10 Block 41 Lot 19, construction of a one-bedroom detached dwelling unit/pool house, driveway extension, deck, septic and associated site work. Mr. Manes seconded and the motion carried unanimously.

Mr. Cherniske moved to accept waivers for application #'s 09-21SP and 10-21C, Paul Szymanski, PE, Arthur H. Howland & Associates for Raphael & Courtney Posner, 21 Oak Ridge Road, Map 10 Block 41 Lot 19, construction of a one-bedroom detached dwelling unit/pool house, driveway extension, deck, septic and associated site work. Mr. Wyrick seconded and the motion carried unanimously.

Mr. Manes moved to approve application #'s 09-21SP and 10-21C, Paul Szymanski, PE, Arthur H. Howland & Associates for Raphael & Courtney Posner, 21 Oak Ridge Road, Map 10 Block 41 Lot 19, construction of a one-bedroom detached dwelling unit/pool house, driveway extension, deck, septic and associated site work. Mr. Wyrick seconded and the motion carried unanimously.

- 6.A.2.** Application #'s 11-21SP and 12-21C, David Bouley, 16 Longview Road, Map 11 Block 40 Lot 49, conversion of existing barn/garage into a 2-bedroom detached dwelling unit.

Chair Winter opened the public hearing at 7:30 pm and read the legal notice of the hearing aloud.

Donna Hayes reported on the history of this property. She recommends that a survey of the property be done so there is an accurate account of what is on the site. All of the work will be interior.

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The Commission agreed that they could not make a determination on this application without a site plan.

David Bouley came forward and explained that they were hoping to use this space for guests when they visit. He agreed to provide a site plan for review at the next meeting.

Mr. Wyrick moved to continue public hearing for application #'s 11-21SP and 12-21C, David Bouley, 16 Longview Road, Map 11 Block 40 Lot 49, conversion of existing barn/garage into a 2-bedroom detached dwelling unit. Mr. Manes seconded and the motion carried unanimously.

6.B. DISCUSSION AND POSSIBLE DECISION

6.B.1. Paul Szymanski, Arthur H. Howland, LLC, proposed changes to Section 3124; creation of Section 6700, VR-1 & VR-2 Conservation Development Standards.

Paul Szymanski reviewed the changes to his proposal per Glenn Chalder's suggestions at the last meeting. He reviewed the rationale for density noting that it is higher than the amount for multiple dwelling, but lower than the as-of-right. The Commission was questioned whether they found three lots per acre acceptable. Paul Szymanski reminded the group that 40 percent of the development would be open space. The common right-of-way would not be included in the minimum lot area. He reviewed the various factors that might affect such a plan, but reminded the group that approval would be by special permit.

6.B.2. Scheduling of Public Hearing for Proposed Change to the Zoning Regulations – Addition of Section 3124.10; Creation of Section 6700, VR-1 & VR-2 Conservation Development Standards.

Mr. Manes moved to schedule a Public Hearing for Proposed Change to the Zoning Regulations – Addition of Section 3124.10; Creation of Section 6700, VR-1 & VR-2 Conservation Development Standards. Mr. Cherniske seconded and the motion carried unanimously.

Donna Hayes agreed to work to the schedule the public hearing for this matter and will advise the date.

6.B.3. Scheduling of public hearing for Proposed Change to the Zoning Regulations – Addition of Private Burial Ground as special permitted use under Section 3224, Rural Residential District and inclusion of Private Burial Ground under Section 2200, Definitions.

Donna Hayes reiterated that they have had a couple of calls for this activity in the last month. She spoke with the Health Department and modeled the proposed regulation after Sherman's regulations for private burial grounds. She reported that this can also be considered under the Special Permit process where the Commission can set certain conditions.

The group had serious concerns on what an easement to such a burial ground would involve. The group agreed to try to work within the current regulations and advised the applicants to move forward with a Special Permit request.

Mr. Manes moved to refrain from action regarding the Proposed Change to the Zoning Regulations – Addition of Private Burial Ground as special permitted use under Section 3224, Rural Residential District and inclusion of Private Burial Ground under Section 2200, Definitions. Mr. Birnbaum seconded and the motion carried unanimously.

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6.B.4. Scheduling of public hearing for Proposed Change to the Zoning Regulations – Changes to Section 4124.26 of the Village Commercial District.

Mr. Manes moved to schedule a public hearing for the Proposed Change to the Zoning Regulations – Changes to Section 4124.26 of the Village Commercial District. Mr. Birnbaum seconded and the motion carried unanimously.

Donna Hayes will advise hearing date once scheduled.

6.B.5. 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.

Gina Olson explained that she would like to place a 10-foot open tent containing a table of merchandise on the front lawn of her location during the pandemic in consideration of those shoppers who might not want to enter a store. The current regulations state that a display is allowed as long as it does not extend more than 3' from the building. Based on Ms. Olson's recommendation, the display would be placed 15' from the building and was asking that the Commission relax the distance during the pandemic. The Commission discussed how this would tie into the executive orders and how to tie this in with section 4131.4. It was decided that a temporary permit be issued relaxing the distance from the building and conditioning the approval with an end date of Labor Day, 2021. It was also stated that if any other merchant wanted to do this, they would have to appear before the Commission with their request.

Mr. Winter moved to relax §4131.4.b. regarding the accessory display of merchandise from 3' to 15' from the building until Labor Day 2021 in order to provide an outdoor shopping experience during the Pandemic. Mr. Manes seconded and the motion carried 5-0-1. Hicks abstained.

6.B.6. Approval of FY '21 ' –22 Five Year Capital Plan.

Chair Winter explained that the Commission has been asked to approve projects and not the costs proposed in the Capital Plan. Donna Hayes clarified that this plan has not been approved by the BoF.

Matthew Winter noted that he would like to go on record that he is not comfortable with approving expenditures for roads. Donna Hayes reviewed the 8-24 Statutes so that the referral process could be better understood. It was explained that the Planning Commission must confirm that the items in the Capital Plan are consistent with the PoCD. Matthew Winter noted that this is not a reasonable and deliberative way to approve this proposal without a further explanation of the projects. The members agreed.

Mr. Manes moved to table the Approval of FY 21 ' –22 Five Year Capital Plan. Mr. Birnbaum seconded and the motion carried unanimously.

6.B.7. Temporary Operation of Farmer's Market from May 21, 2021 to the end of October 29, 2021, Friday's only, 0 South Main Street, Map 19 Block 12 Lot 6.

Mr. Manes moved to Temporary Operation of Farmer's Market from May 21, 2021 to the end of October 29, 2021, Friday's only, 0 South Main Street, Map 19 Block 12 Lot 6. Mr. Cherniske seconded and the motion carried unanimously.

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- 6.B.8.** Application #21-21C, Guy Mauri for Engine 22, LLC, 21 Bridge Street, change of use from car sales, repair, apartment, retail and contractor's office to car sales, repair, **apartments (2)**, retail and contractor's office.

Chair Winter recused himself for this matter.

Mr. Wyrick moved to nominate Adam Manes as Acting Chair. Mr. Cherniske seconded and the motion carried unanimously.

Donna Hayes reported that this property has only one legal apartment on record. This application is to create a legal second apartment on the second floor.

Guy Mauri came forward and explained that everything will be as it exists. There will be no changes. They just need this recognized as a second apartment. Donna Hayes reported that he will be required to follow Building and Fire Code.

A site plan noting the parking availability was requested by the Commission. Mr. Mauri agreed to provide this information. It was suggested that the surveyor who drew the map add that information.

*Mr. Birnbaum moved to table Application #21-21C, Guy Mauri for Engine 22, LLC, 21 Bridge Street, change of use from car sales, repair, apartment, retail and contractor's office to car sales, repair, **apartments (2)**, retail and contractor's office. Mr. Cherniske seconded and the motion carried unanimously*

Matthew Winter was reelected as Chair.

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 – January 11, 2021 to February 5, 2021- reviewed
- 9.B.** February 10, 2021 letter addressed to Matt C. Winter, from the Federal Communications Commission, Informational Notice of Section 106 Filings for 93 Richards Road, Kent, CT, Map 17 Block 25 Lot 1.- reviewed

Member Wyrick recused himself and left the meeting at 9:46 pm.

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.**

Donna Hayes noted that there is nothing new to report regarding this matter.

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.

The group agreed that they would continue to follow the recommendations of the Attorney and have Donna Hayes report back to the Commission as this matter progresses.

ADJOURNMENT

Mr. Manes moved to adjourn at 9:48 p.m. Mr. Cherniske seconded and the motion carried unanimously.

Respectfully submitted,

Tai Kern

Tai Kern, Land Use Clerk