

TOWN OF KENT
PLANNING AND ZONING COMMISSION

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APRIL 8, 2021 REGULAR MEETING MINUTES
VIA ZOOM CONFERENCE

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D. Bailey
TOWN CLERK

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

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. Regular Meeting Minutes of March 11, 2021.

Mr. Manes moved to approve the Regular Meeting Minutes of March 11, 2021. Mr. Cherniske 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 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.

The public hearing was reopened at 7:07 pm. It was noted that the site plan requested was never submitted. Donna Hayes reported that she reached out to Mr. Bouley; however, has not heard back.

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Mr. Manes 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. Weingarten 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. Cherniske 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 29-21SP and 30-21C, James Bernardin & Julie Chang, 13 Greenwood Lane, Map 9 Block 15 Lot 58, construction of detached dwelling unit, driveway extension, detached garage, septic and associated site work.

Chair Winter read the notice of this public hearing aloud and opened the hearing at 7:10 p.m. Donna Hayes reviewed her staff report regarding this property. She explained that the back lot is in PA 490 and the owners would like to make a new primary residence on the front lot where their current dwelling exists. Health department approval or driveway application for the extension of the driveway have not yet been received.

Mr. Winter confirmed that the site plan consists only of the front lot. He noted that a lot is missing from the plan and a request for waivers was not submitted.

It was discovered that Mr. Winter is an abutter of the property and he recused himself. Marc Weingarten came forward as acting Chair. It was determined that due to the lack of information this application should be tabled until the next meeting.

A site plan including additional information showing the other lot, a driveway permit application, and waiver requests should all be submitted for the next meeting.

Mr. Manes moved to continue public hearing for Application #'s 29-21SP and 30-21C, James Bernardin & Julie Chang, 13 Greenwood Lane, Map 9 Block 15 Lot 58, construction of detached dwelling unit, driveway extension, detached garage, septic and associated site work. Ms. Hicks seconded and the motion carried unanimously.

Chair Winter was reseated. Also, David Birnbaum was seated as a voting member.

6.B. DISCUSSION AND POSSIBLE DECISION

6.B.1. Approval of FY '21 – '22 Five Year Capital Plan.

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Donna Hayes reviewed the 8-24 referral process with the members and how that correlates with the Capital Plan. She explained that the BoF has not yet accepted this plan and should there be additions, it will need to come back to this Commission for approval.

Public Works Director Rick Osborne was present to answer questions and confirmed that he would return when the proposals are before the Commission for 8-24 referral.

Mr. Weingarten moved to approve that the FY '21 – '22 Five Year Capital Plan is in alignment with the goals set forth in the PoCD. Mr. Cherniske seconded.

Discussion: Donna Hayes suggested that the motion be modified with regard to any changes by the BoF as they have yet to accept this plan. Mr. Birnbaum confirmed that the presented Capital Plan would be in alignment with the PoCD with regard to the section regarding the maintenance of road and bridges. The motion was modified.

Mr. Weingarten moved to approve that the FY '21 – '22 Five Year Capital Plan is in alignment with the goals set forth in the PoCD to maintain roads and bridges and if there are any changes to the 2/10/21 plan this Commission should be consulted for further approval. Mr. Cherniske seconded and the motion carried unanimously.

6.B.2. 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 and Adam Manes came forward as Acting Chair.

Donna Hayes reported that she was provided with a site plan that shows the parking spaces. She found that the plan provided by Bob Hock complies with the Regulations for the proposed use of the building. She noted that the Building Official and Fire Marshal would need to confirm this change meets the respective codes.

Mr. Cherniske moved to approve 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. Weingarten seconded and the motion carried unanimously.

Chairman Winter was reseated.

6.B.3. Informal discussion regarding P&Z expectations of KVFD with regard to as-needed site plan review.

Chair Winter explained that they would like to speak with the KVFD regarding their concerns and what they would like the Commission to review when plans come before them. Additionally, they should advise what they would like the Commission to flag for their review when applications are received.

It was questioned whether they would like to be contacted regarding administrative approval as well as approval of commercial proposals. Donna Hayes explained that the KVFD cannot have the authority to approve or deny applications; however, they can work with the property owners to come up with an appropriate plan.

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Adam Manes suggested that the Commission include the KVFD requirements as part of the driveway permit review. Mr. Weingarten questioned why the Fire Marshal would not be involved in this type of review. Donna Hayes confirmed that the Fire Marshal does review the site plan ahead of it being presented to the Commission for commercial projects and multi-family dwellings. She explained that the project engineer is aware of the codes with regard to residential properties. Adam Manes suggested that Donna Hayes review the applications in conjunction with the turning radius provided by the KVFD. Rick Osborne opined that simply the widths and grades should be followed as written in the Regulations.

Mr. Manes moved that the LUO draft a letter to the KVFD asking what they would like the Commission to look for when reviewing the applications. Mr. Birnbaum seconded and the motion carried unanimously.

6.B.4. Creation of subcommittee for the review of RFP's submitted for the update of the Plan of Conservation and Development.

Chair Winter reported that three proposals were received and a subcommittee must be formed to review these proposals, ask any necessary questions and make a recommendation back to the Commission.

Mr. Birnbaum moved to establish a subcommittee including members Winter, Weingarten and Birnbaum to review proposals for PoCD on April 15, 2021 and present their recommendations at the next meeting. Mr. Manes seconded and the motion carried unanimously.

6.B.5. Application #32-21C, Paul Szymanski, P.E., Arthur H. Howland & Associates for Jonathan Chaplin & Rona Yujung Kim, 32 Mountain Road, Map 12 Block 40 Lot 15, construction of new inground pool, terrace, shed and related site work within the Horizonline Conservation District.

Donna Hayes reviewed her staff report noting that the majority of the property is in the HorizonLine. The existing garage is proposed to be converted into a guest house. She explained that a change of use is required in order for that to be legal when they install the kitchen.

Paul Szymanski reported that only the well, septic and the leaching fields are within the HorizonLine. There will be no trees removed within the HorizonLine.

Mr. Cherniske questioned whether there will be any issues with ledge that will impact the tree line when installing the pool. Mr. Szymanski confirmed that the pool is in a flat area and confirmed that ledge will not be an issue. He noted residential style light fixtures will be utilized.

Mr. Weingarten moved to approve application #32-21C, Paul Szymanski, P.E., Arthur H. Howland & Associates for Jonathan Chaplin & Rona Yujung Kim, 32 Mountain Road, Map 12 Block 40 Lot 15, construction of new inground pool, terrace, shed and related site work within the Horizonline Conservation District provided that any lighting will be full cutoff downward facing and there shall be no kitchen installed in the existing garage. Mr. Manes seconded and the motion carried unanimously.

6.B.6. Modification to site plan #62-15C, Arthur H. Howland & Associates, P.C., Kent Center, LLC, 9 Maple Street, Map 19 Block 42 Lot 35, modification to include new signage for Kensie Barnes Fine Art at 5 Fulling Lane.

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Donna Hayes reported that this is an additional business location at #5 Fulling Lane. The projecting sign proposed is in line with the alternative signage program.

Mr. Manes moved to approve modification to site plan #62-15C, Arthur H. Howland & Associates, P.C., Kent Center, LLC, 9 Maple Street, Map 19 Block 42 Lot 35, modification to include new signage for Kensie Barnes Fine Art at 5 Fulling Lane. Mr. Weingarten seconded and the motion carried unanimously.

7. STAFF REPORT:

- 7.A. The Commonwealth of Massachusetts House Docket #2405 regarding a special act for the funding of a study of passenger service on the Housatonic rail line.

Donna Hayes reported on this House Bill regarding passenger service on the Housatonic rail line. She wanted the Commission to be aware that Massachusetts is going forward with this. She will follow the progress of this House Bill. She noted that there have been discussions in Connecticut with regard to a freight line.

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

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. Weingarten moved to adjourn at 9:03 p.m. Mr. Cherniske seconded and the motion carried unanimously.

Respectfully submitted,

Tai Kern

Tai Kern, Land Use Clerk

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