

**TOWN OF KENT  
PLANNING AND ZONING COMMISSION**

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**NOVEMBER 10, 2016 REGULAR MEETING MINUTES**

The Town of Kent Planning and Zoning Commission held a regular meeting on Thursday, November 10, 2016 at 7:00 p.m. in the Kent Town Hall.

**1. CALL TO ORDER**

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

**2. ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED**

Commissioners Present: Matt Winter, Vice-Chairman; Karen Casey, Darrell Cherniske, Alice Hicks, Adam Manes, Anne McAndrew, Marc Weingarten, Wes Wyrick

Staff Present: Donna Hayes, Land Use Administrator

Mr. Winter elevated Mr. Weingarten and Ms. McAndrew to voting status.

*Mr. Manes moved to add items 6.B.4., 6.B.5. and 6.B.6. to the agenda. Mr. Cherniske seconded and the motion carried unanimously.*

**3. READING AND APPROVAL OF MINUTES:**

**3.A. Special Meeting Minutes of October 13, 2016.**

*Mr. Manes moved to approve the Special Meeting Minutes of October 13, 2016, as written. Mr. Cherniske seconded and the motion carried unanimously.*

**3.B. Regular Meeting Minutes of October 13, 2016.**

*Mr. Manes moved to approve the Regular Meeting Minutes of October 13, 2016, as written. Mr. Weingarten seconded and the motion carried unanimously.*

**4. PUBLIC COMMUNICATIONS (ORAL):**

Ms. Lynn Worthington asked that the Commission make it their policy to provide a list of the agenda adds to the audience. Ms. Hayes said that she would provide copies of the adds as well as the regular agenda in the future.

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**5. OLD BUSINESS:**

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

No action taken.

**5.B. DISCUSSION AND POSSIBLE DECISION**

**5.B.1. Rewrite of Zoning Regulations**

Ms. Hayes told the Commission that she was still working on the comparison of changes and planned on having that completed by the next meeting.

**6. NEW BUSINESS:**

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

Mr. Cherniske recused himself from this discussion.

**6.A.1. Modification to Special Permit #020-10SP and Site Plan #021-10C, MCCA, Inc., 62-64 Kent Cornwall Road, change of use to a private school and 11 bed adolescent treatment facility, Map 9 Block 43 Lot 11; modification to include increase to 18 bed facility.**

Mr. Winter opened the public hearing at 7:05 p.m. and read the legal notice into the record.

Attorney Thomas Beecher, Collins Hannafin, P.C.; Mr. Joseph Sullivan, Retiring President and CEO of MCCA; Mr. John D'Eramo, New President and CEO of MCCA; and Father John Kreta, Director MCCA/Trinity Glen, were all present to address the Commission.

Atty. Beecher reiterated what he had said at the previous meeting and stressed the fact that the increase would be from 11 to 18 clients and there would be no changes to the site plan. He said that they had been working with Patrick Hackett, PE and Torrington Area Health District with regard to the increase usage of the septic system. Atty. Beecher explained that there would be sufficient capacity to handle the increase in clients. Ms. Hayes said that she had spoken with Cathy Weber, Town Sanitarian from TAHD, who said that she had reviewed the plan with the State and did not foresee any issues as a result of the increase in clients. Ms. Weber hoped to have the approval signed off by early next week.

Atty. Beecher asked that the Commission approve the modification with the following conditions: that approvals be obtained from the Fire Marshal, Building Official and Torrington Area Health District (which had been conditions of approval of the original special permit) and that one additional condition be that a revised floor be submitted to Ms. Hayes after it has been approved by the Building Official.

There were no comments from the public.

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Mr. Weingarten asked why the language still says "adolescent treatment facility". Attorney Beecher explained that the original request was for an adolescent treatment facility but a modification was approved changing it to adult women prior to Mr. Weingarten's appointment to the Commission.

*With no further discussion, Mr. Manes moved to closed the public hearing at 7:11 p.m. Mr. Wyrick seconded and the motion carried unanimously.*

Mr. Winter asked if the Commission could add a condition which states that if, after one year, the increase to 18 clients has proven to be a more significant impact to the neighborhood, the Commission could require the applicant to come in and the number of clients would be reduced to a more manageable number. While Mr. Winter stated that the applicant has been a good neighbor, he would like to see some kind of fail safe for the Commission. Mr. Manes commented that the original approval has a long list of conditions that they have to meet and thought that Mr. Winter's suggestion was subjective. Ms. Casey asked that the actual number be listed in the approval and that they not be allowed to add additional clients without coming before the Commission.

*Mr. Manes moved to approve Modification to Special Permit #020-10SP and Site Plan #021-10C, MCCA, Inc., 62-64 Kent Cornwall Road, change of use to a private school and 11 bed adolescent treatment facility, Map 9 Block 43 Lot 11; modification to include increase to 18 bed facility with the following conditions: that the approval will be contingent upon approvals from the Town of Kent Building Official, the Town of Kent Fire Marshal and Torrington Area Health District; and that a new floor plan showing how the increase to the client base will be handled be submitted to the Land Use Office once the floor plan has been approved by the Building Official and Fire Marshal.*

*Mr. Wyrick seconded and the motion carried 7 yay with Ms. Casey voting nay. She explained she was opposed because of the following reasons: it was too high of a use in a residential neighborhood; the other facility in Town has increased their capacity which has increased traffic and created some problems; and that they changed the type of patient already. Ms. Casey continued that she was surprised that that no neighbors appeared at this meeting.*

Mr. Cherniske returned to the meeting.

## **6.B. DISCUSSION AND POSSIBLE DECISION**

**6.B.1.** Permit #31-16C, William Morrison for Irvlen Equity, LLC, 0 North Main Street, construction of new retail gallery, Map 19 Block 42 Lot 9; discussion regarding Anchor Engineering Concerns.

Ms. Hayes explained that the applicant's engineer had updated the table; added a notation that filter fabric had been added to the detail for the top and sides of the stone and that they added two additional dry wells to the plan. As a result, Anchor Engineering was satisfied with the site plan and gave their approval. Ms. Hayes said all that was left was for Mr. Morrison to pull his zoning permit so that work can begin.

Mr. Cherniske recused himself from the following discussion.

**6.B.2.** Modification to Permit #46-94SPP and #46-94SPPD, construction of dwelling (including decks/porches) and driveway in Lake Waramaug Watershed District. Modification to include: removal of existing screen porch and existing porch, decks and stairs; construction of new porches and decks; removal of existing

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sleeping porch and construction of new, larger porch; addition of small dormer to roofline. Map 17 Block 27 Lot 11.

Ms. Hayes explained that the house is located in the Lake Waramaug Watershed District and that the original approval was via a special permit. As a result, the changes to the house that are being proposed could only be approved via a modification to the special permit.

Mr. William Worcester, the architect for the project, was present to address the Commission. He explained that the plan is to remove the existing screen porch and existing porch, decks and stairs. They propose to construct new porches and decks to replace them, comprising 1696 sq. ft., of which 314 sq. ft. will be a new screen porch. All construction will be supported by piers, no regrading is proposed. This proposal would result in a net addition of 1038 sq. ft. of deck and screened and open porches on the first-floor level. At the second-floor level, the proposal is to remove the existing "sleeping porch" and its gable roof, totaling 234 sq. ft. and add a new porch, 539 sq. ft., for a net addition of 305 sq. ft. They are also proposing to add a small dormer to the existing walk-in closet. At the roof level, the proposal is to remove the existing cupola and add a ridge skylight, for a reduction in height of 8 feet. Overall, they propose to replace the existing roofing and siding with cedar shingles.

Mr. Wyrick asked if the existing porch was three stories and Mr. Worcester said that it was if you consider the ground level. Mr. Winter clarified the number of piers that would be added and stated that they would be going down 4'. Mr. Wyrick said that they might be adding impervious surface but that erosion and sedimentation control should handle any erosion during the construction. Mr. Winter agreed and said that was what he was getting at but did not see any indication of erosion controls.

Mr. Manes said that Section 10 stated the one concern was erosion control. Mr. Winter said that his questions are regrading and site work. He referred the Commission to the email sent by Mr. Worcester where he states that there will be no regrading. Mr. Winter asked how they would be handling the erosion control during the installation of the new 8 piers along the front. Mr. Worcester said that the area where they will be installed is fairly flat. Mr. Manes said that conditions could be added to the modification. Mr. Wyrick said that they were not modifying the grade and Mr. Winter agreed, but said that they will need to protect against erosion during the digging of the piers. Mr. Winter asked what the condition of the gravel driveway was and Mr. Worcester said that the driveway is now paved from Lake Waramaug Road to the garage located at the top of the driveway. Mr. Winter asked if Torrington Area Health had approved the changes and Ms. Hayes said that they had.

*Mr. Manes moved to approve Modification to Permit #46-94SPP and #46-94SPPD, construction of dwelling (including decks/porches) and driveway in Lake Waramaug Watershed District. Modification to include: removal of existing screen porch and existing porch, decks and stairs; construction of new porches and decks; removal of existing sleeping porch and construction of new, larger porch; addition of small dormer to roofline Map 17 Block 27 Lot 11 with the condition that silt fencing and haybales be added to protect against erosion. Mr. Wyrick seconded and the motion carried unanimously.*

Mr. Cherniske returned to the meeting.

- 6.B.3. Pre-Application discussion and scheduling of public hearing for application #'s 92-16SP, 93-16C and 94-16F, The Kent School, construction of squash court building, Map 3 Block 9 Lot 25.**

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Mr. Joseph Wolinski, Facilities Director, was present. He explained that over the last 8 – 9 years they have been playing competitive squash on their existing American standard court. In order to be internationally competitive, they need to build new courts that meet the international standards. Doing this would enable the school to pull from a larger market of international students. He then turned the discussion over to Mr. Dave Bjorklund of Spath Bjorklund Associates and Mr. Jeff Gaunt of the SLAM Collaborative.

Mr. Bjorklund explained that the location of the new court will be on Skiff Mountain Road attached to the existing tennis building which is just north of the football field. The new building will contain 8 squash courts. The existing tennis building is not above the 100-year flood requirement as it was built before that regulation was in place. The plan is to elevate the squash facility 1' above the 100-year floodplain requirement on a concrete foundation with flood vents and the floor will be constructed of concrete planks. They will connect to the existing water and sewage supplies. They will tie into existing stormwater drains which currently pick up the runoff from the tennis building and drains the existing parking lot. They will be adding another parking lot in front of the building with a total of 24 parking spaces. The stormwater features will contain a sand/oil separator and the clean water will route through a series of drywells which ultimately empty into the Housatonic River. An application has been accepted by the Inland Wetlands Commission and they also met with the Housatonic River Commission.

Mr. Wyrick asked if there would be a basement. Mr. Bjorklund said that there will be no utilities below the concrete floors but there will be a crawl space. The only utilities below the building will be the sewer and water lines.

Mr. Winter asked if there will be any waterproofing on the bottom side of the concrete planks. Mr. Gaunt replied that no waterproofing is required but there will be insulation. Mr. Winter asked about the flood vents. Mr. Gaunt replied that they would be spring hinged metal grills that will open in both directions based on the direction of the flood waters.

Mr. Wyrick asked what the purpose of the crawl space is. Mr. Gaunt replied that there was a bit of a concern about what would happen in the aftermath of a flood. Creating the structural deck and crawl space would help to eliminate some of those concerns.

Mr. Winter asked if the water/oil separator that is being installed was a requirement. Mr. Bjorklund explained that it is a requirement of the water quality standards of the State. Mr. Winter asked if the HRC had any concerns. Mr. Bjorklund said that he was not present at the meeting but was told by the attendee that they had a lot of questions, but the meeting was concluded. Ms. Hayes said that she should receive a letter from them with their determination.

Mr. Winter asked what was currently in the location of the new squash court. Mr. Wolinski said that there currently are tennis courts there which will be removed. They are planning on coming back to the Commission asking for permission to install new tennis courts but they would need to obtain a variance first.

Ms. McAndrew asked where they are currently playing squash and Mr. Wolinski said that they are currently playing on American courts in the gym. It would not have been cost effective to upgrade the gym; that is why they are proposing the new structure.

Mr. Winter asked about the parking. Mr. Bjorklund said that the current parking will be eliminated and a new parking area will be constructed. Mr. Winter asked where visitor team bus parking will be located.

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Mr. Wolinski said that parking is provided on the empty field and that the teams usually come in 15 passenger mini vans.

Mr. Wyrick asked if there will be a second story to the new facility. Mr. Gaunt said that there will be a mezzanine above the bathrooms that will contain the mechanicals. Mr. Wyrick asked if there will be a lot of spectators and Mr. Wolinski said that there are not a lot of spectators but if there are, his staff manages where they will be parking. Mr. Winter asked that more information be provided at the public hearing.

Ms. McAndrew asked if there will be lighting in the parking lot. Mr. Bjorklund said yes. Mr. Wolinski said that there is currently lighting on the building.

Mr. Manes said that he did not think there are any parking requirements for a squash court. Mr. Winter asked if they are considering photovoltaic panels. Mr. Wolinski said that is still under consideration and they are in discussion with Eversource.

Mr. Weingarten asked who will be constructing the tennis courts. Mr. Gaunt said that it will be going out to bid, but Anderson is their preferred contractor.

Mr. Cherniske asked if the oil/separator required routine maintenance. Mr. Wolinski said that it requires yearly pumping.

*Mr. Manes moved to schedule a public hearing for the next regular meeting of the Planning & Zoning Commission. Mr. Wyrick seconded and the motion carried unanimously.*

**6.B.4. Application #95-16C, Cela Builders for John O'Meara, 72 Anderson Road, demolition of existing house and reconstruction of new house and inground pool in Horizonline Conservation District, Map 17 Block 32 Lot 15.**

Mr. Mark Cela of Cela Builders was present to address the Commission. He explained that the plan is to remove an older, smaller house with a newer, larger house. There will be a few trees that will have to be removed for the new house and the septic area.

Mr. Sokol Malushaga of ARI Group was present to explain the design of the new house. Ms. Hayes showed the Commission a colored rendition of the plan showing the original house and the new house and pool. The new house and pool will be constructed closer to Anderson Road. Mr. Malushaga told the Commission that there is a no-build area on the property that will not affect the new location of the house and pool.

Ms. Hayes showed the Commission the trees that will be removed; Mr. Malushaga agreed. He added that the cedar is damaged and would be removed. The larger oak will be trimmed. They are hoping to be able to save the 22" oak by the new septic area.

Mr. Wyrick asked what the change in elevation was between the new house and Anderson Road. Mr. Malushaga said that there is a depression on the property where the house will be built. Mr. Wyrick questioned where the Horizonline area lays on the property. Ms. Hayes referred him to the information supplied in their information packet. Mr. Winter confirmed that the house would be partially in and partially out of the Horizonline Conservation area. He asked Mr. Cherniske if he remembered where the view would be for this piece of property; Anderson Road or Kent Hollow Road. Mr. Cherniske answered that the criteria is if there were no trees on that hill, could the house be seen. Mr. Manes said that the only

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place to see it would be the upper area of Anderson Road. Mr. Malushaga said that they did float a balloon and it could not be seen from anywhere. The small structure closer to Anderson Road will be remaining and no changes will be made.

Mr. Malushaga explained that the new house will be a flat, long structure with a center peak of approximately 30' from grade. Ms. Hayes asked if there will be lights in the center peak and Mr. Malushaga said that there would not. The only lights they were considering were downlights to light the path and small LED lights around the pool.

Mr. Cela explained that after a review by Torrington Area Health District, it was determined that 2 rooms could be considered bedrooms making the new structure a 7-bedroom house. As a result, the septic area would have to be increased and the new plan would have to be approved by Ms. Weber.

*Mr. Manes moved to accept the following waivers: §4.3.4., 4.3.6., 4.3.12., and 4.3.13. Mr. Cherniske seconded and the motion carried unanimously.*

*Mr. Manes moved to approve Application #95-16C, Cela Builders for John O'Meara, 72 Anderson Road, demolition of existing house and reconstruction of new house and inground pool in Horizonline Conservation District, Map 17 Block 32 Lot 15 with the conditions that all lighting be full cutoff and downward in nature and that Torrington Area Health District approve the revised septic plan. Mr. Weingarten seconded and the motion carried unanimously.*

**6.B.5. Modification to Permit #62-15C, Kent Center, LLC, 9 Maple Street, modification to include new sign at 5 Fulling Lane for Chestnut Woodworking & Antique Flooring, Map 19 Block 42 Lot 35.**

Ms. Gina Olson, owner of Chestnut Woodworking & Antique Flooring was present to answer questions from the Commission. She explained that they had been in business in West Cornwall for many years and that they were looking forward to moving into the Barns. She said that she would be putting up two signs on the building; one on the north side and one on the south side.

The Commission reviewed the size of the signs. There were no further questions.

*Mr. Manes moved to approve Modification to Permit #62-15C, Kent Center, LLC, 9 Maple Street, modification to include new sign at 5 Fulling Lane for Chestnut Woodworking & Antique Flooring, Map 19 Block 42 Lot 35. Mr. Weingarten seconded and the motion carried unanimously.*

**6.B.6. Capital Budget Project Request; modification to original amount for the rewrite of the regulations in FY2022.**

Ms. Hayes explained that this would be the last time the amount of money designated for the next rewrite of the zoning regulations could be increased and it was her suggestion that it be increased to \$50,000 to account for the cost of a legal review. She also said that it was evident from this year's rewrite that not enough money had been set aside to cover the legal review.

Mr. Manes suggested that the amount be increased to \$45,000 to be more fiscally responsible. Ms. Hayes explained that they would only be funding an additional \$3,000 per year over the next five years. She reminded the Commission that any funds that are not spent will be returned to the general fund. Both Ms. Hicks and Ms. Casey suggested that it be raised to \$50,000.

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*Mr. Manes moved to increase the amount of the rewrite of the zoning regulations from \$35,000 to \$50,000 in FY2022 to include legal fees for review. Mr. Cherniske seconded and the motion carried unanimously.*

**7. STAFF REPORT:**

**7.A. Part Time Land Use Clerk**

Ms. Hayes said that she had received resumes from a few viable candidates and asked how those on the subcommittee would like to set up the interviews. Mr. Winter said that he would like to have the interviews set up for 6:00 p.m. Once the interviews are scheduled, Ms. Hayes will send the appropriate resume. Ms. Hayes said that she would send out a doodle poll.

**8. REPORT OF OFFICERS AND COMMITTEES:**

**8.A. Presentation of Incentive Housing Zone Subcommittee**

Mr. Winter presented the finished Town of Kent Incentive Housing Zone Report (with addenda) along with the Housing Plan, Town of Kent prepared by Ms. Jocelyn Ayer of NHCOC. The regulations do not meet the minimum density standards set by the State to allow the Town to get additional monies from the State. The incentive would be to attract a developer to these parcels so that they can get more density than allowed by the current Regulations. The Subcommittee is recommending that they accept the Incentive Housing Zone Report.

The second document that was produced was a housing plan created by Ms. Ayer which was required by the grant. They are also recommending that the Commission accept that report.

When the Commission reviews the recommendation, the Commission will have to decide the limits of the overlay zone. The Subcommittee is recommending that the boundaries include a Village Mixed-Use Overlay District and Village Incentive Housing Overlay of the following lots: Map 19 Block 42 Lots 8, 9, 12, 13, 14, 15, 16, 17, 18, 19 and 20 up to the 440 contour; Map 10 Block 42 Lots 1 and 2 up to the 440 contour; and Map 4 Block 41 Lot 1. These are recommendations for further review when the Commission discusses the review and possible adoption of the regulation.

Mr. Winter said that the Subcommittee has satisfied the charge and was requesting to be disbanded.

Mr. Winter explained the use of the Addendum and Mr. Cherniske asked if Mr. Everett wanted more authentic New England patterning. Mr. Winter said yes. He continued that Mr. Everett planned the addendum to carry the theme from Elizabeth and Lane Streets allowing primary residences with accessory dwelling units in the back.

Mr. Weingarten asked if the plan would be to include this in the new regulations. Mr. Winter said that was the proposal, but the Commission has the opportunity to just adopt the new regulations and add this proposal at a later date.

Ms. Hayes said that she would send out the November 2016 document to the Commission and keep this topic on the agenda for the December meeting.

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*Mr. Weingarten moved to accept the Town of Kent Incentive Housing Zone Report, November 2016, from the Incentive Housing Zone Subcommittee. Mr. Cherniske seconded and the motion carried unanimously.*

It was decided to keep the Subcommittee active until next month's meeting.

**9. OTHER COMMUNICATIONS AND CORRESPONDENCE:**

**9.A. Financials FY 2016 - 2017**

No action taken.

**9.B. Administrative Permits and Certificates of Compliance**

No action taken.

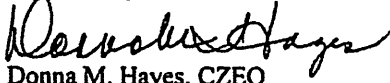
**9.C. Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter, Fall 2016**

No action taken.

**10. ADJOURNMENT**

*Mr. Wyrick moved to adjourn at 9:10 p.m. Ms. Casey seconded and the motion carried unanimously.*

Respectfully submitted,

  
Donna M. Hayes, CZEO  
Land Use Administrator

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