

TOWN OF KENT
PLANNING AND ZONING COMMISSION
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RECEIVED FOR RECORD
KENT TOWN CLERK

2015 OCT 13 P 1:24

BY *Donna Hayes*
TOWN CLERK

OCTOBER 8, 2015 REGULAR MEETING MINUTES

The Town of Kent Planning and Zoning Commission held a regular meeting on Thursday, October 8, 2015 at 7:00 p.m. in the Kent Town Hall.

1. CALL TO ORDER

In Chairman Johnson's absence, Vice Chair and Secretary, Matt Winter, opened the meeting at 7:04 p.m.

2. ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED

Commissioners Present: Matthew Winter, Wesley Wyrick, Darrell Cherniske, Marc Weingarten, Karen Casey, Adam Manes, Rich Chavka

Staff Present: Donna Hayes, Land Use Administrator
Jennifer Calhoun, Land Use Clerk

Marc Weingarten and Rich Chavka were elevated to voting status.

Mr. Weingarten moved to add the following items to the agenda:

6.B.4. Approval of 2016 Regular Meeting Schedule

6.B.5. Reappointment of Scot Samuelson, AIA, and Greg St. John to the Architectural Review Board each with a term expiration date of August 10, 2017.

Mr. Cherniske seconded and the motion carried unanimously.

3. READING AND APPROVAL OF MINUTES:

3.A. Regular Meeting Minutes of September 10, 2015.

Mr. Winter questioned the motion for applications 41-15SP and 42-15C. He thought that it should say 'with the condition that there always be 1 designated spaces for each professional within 500' of the building' instead of '2 designated spaces'. Mrs. Hayes stated that she would listen to the tape and the Commission could table the minutes until she determines what was really said.

Mr. Weingarten moved to table the regular meeting minutes of September 10, 2015. Mr. Cherniske seconded and the motion carried unanimously.

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3.B. Special Meeting Minutes of September 21, 2015.

Mr. Manes moved to approve the special meeting minutes of September 21, 2005 as is. Mr. Weingarten seconded and the motion carried unanimously.

4. PUBLIC COMMUNICATIONS (ORAL):

No public communication at this time.

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.** Application #62-15C, Arthur H. Howland & Associates, P.C., for Kent Center, LLC, 9 Maple Street, traffic and pedestrian circulation improvements, signage, relocation of structures, Map 19 Block, 42 Lot 35.

Mr. Cherniske and Mr. Wyrick recused themselves from the applications. 5.B.1, 5.B.2 and 5.B.3. were heard together.

Paul Szymanski, P.E. of Arthur H. Howland & Associates, P.C. as well as Hiram Williams were present for the application. Mr. Szymanski stated that he met with the owners and the Architectural Review Board since the last meeting. The following are the ARB comments after the review of the amended plans. (ARB comments in purple/Mr. Szymanski comments in blue)

The board is in consensus that many of the proposals that were presented on the plans by Arthur Howland and Associates for the applicant Kent Center, LLC are good and we encourage the following modifications and considerations.

1) as indicated on plan L-2.00 the combination of vehicular and pedestrian ingress access between buildings 13 and 14 is good and we recommend the same between buildings 14 and 15. To ease vehicle maneuvering either reduced or omit the north landscape peninsula at the north corner of building 14; see sketch 1 of original request. No pedestrian is requested.

We encourage this to stay in place. Our sketch shows in the previous recommendations show the suggested pattern. The exiting onto Rt. 7 in a very congested pedestrian area has always been an issue. This would improve a situation that will only worsen with the proposed traffic plan.

The property line bisects this roadway and the property owners do not have control of the north of the property line. Those owners have no interest in making it a one-way restriction.

2) the importance of the corner at Maple and Main Streets which functions much like a town green should be recognized and it should remain open and welcoming to pedestrians. It also serves as a visual point of arrival for motorists into the Town of Kent and needs to continue to do so. We recommend the removal of the landscaping,

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the sign and the split rail fence that bisects the lawn. Instead, the fence and plantings should be repositioned along the edge of the parking lot behind building 12 to screen vehicles.

We accept the new plan enthusiastically, but suggest the split rail fence is not necessary at all.

The owners feel that the split rail fencing would keep people off the grass.

3) to encourage more foot traffic we recommend making Fulling Lane one way heading east into the complex; the bathrooms off Fulling Lane should be reopened to the public.

We understand the difficulty of this one way option, but do feel that the public restrooms remain accessible to the public.

Mr. Szymanski stated that after he explained why they needed Fulling Lane to be two-way traffic, the ARB was ok with it. He added that the bathrooms would be open to patronizers of the barn.

Mr. Winter wondered why they could not be open to the general public and noted that he would like to see that reinstated. Mr. Williams noted that it was a significant liability and their insurance carrier suggested against it.

4) although the proposed signage falls under zoning regulation 19.8 "Alternative Signage Program For Large Developments" we recommend the following: that overall it should be more reflective and inclusive of the town of Kent; that the number of signs be greatly reduced; that the actual size of some of the signs be reduced and the lettering painted on building 1 "KENT BARNS....." be omitted

We would like to view this as three properties, therefore keeping the signage regulations as the Town of Kent reads for the buildings on Rt 7. If there is a unified decision we would like to review the signage program again on an individual basis. We would like to see the sign on building 1 removed and suggest extending the porch and shop windows around to the south side of the building to offer a more aesthetic draw from rt 341.

Mr. Szymanski noted that the ARB stated that if they gable sign was something original and artistic, they might consider allowing it.

5) we recommend that Gifford's awning/ marquee be rethought as a covered pergola type structure which would be more in keeping with the architecture of the building; we also recommend that it be positioned along the front of the parking area rather than along side the building and that the overall height be no more than one story. see sketch 3

We would like to see the final plans for the pergola when ready. It was agreed that the pergola would extend only as far as the handicap curb cut at the center of the access aisle and would not extend further thus obstructing the side elevation of the existing Greek Revival building.

Mr. Szymanski stated that the pergola structure was shortened to comply with the front setback. This would also allow the building to be seen.

6) the 2 proposed windmills should be omitted

Agreed

No comments.

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7)all exterior changes to the buildings must come before KARB to be considered individually And all new structures update drawings .

We look forward to reviewing the proposed changes on an individual basis.

No comments.

8) an updated set of plans needs to be provided that accurately shows buildings D and L; that reflects the proposed silo on page L.4.08 has been omitted; and the cross referencing on the signage key page L-4.02 be corrected.

The tree plan key has been revised as it was labeled wrong.

9) we also recommend that the fire truck circulation for KME Pumper actually be tested as indicated on page L-2.01

We request that the stockade fence be removed completely and that were fencing is needed to conceal dumpsters and mechanical equipment it is a flat vertical board

Mr. Szymanski stated that the firetruck circulation could not be checked in field until the work has been completed. They have to use a template at this time.

Mr. Williams noted that they felt they needed the fence in the rear of the property because it is a gathering spot for kids. They have been known to bother female employees and tenants. They respectfully request the approval of this fence. Mr. Williams stated that they could build a gate and have it opened during business hours to allow access to the barn shops.

Mr. Chavka asked if there was surveillance on the property and Mr. Williams noted that they do not, but are incorporating safety lighting.

Mr. Szymanski and the Commission then addressed the letter from the Kent Volunteer Fire Department on the proposed project.

The following are the concerns of the fire dept:

- Closing of the roadway between the two north buildings: This road allows access to the sides and rear of the two north buildings. Closure of this road will greatly hinder operations in the event of a fire or rescue in these two buildings.
- The narrowing of the driveway south of 10 North Main Street: Although I understand the concept of eliminating parking along the buildings, without proper policing and enforcement I am not certain this will be followed.
- One way traffic: Current one way traffic patterns are not currently followed so I do not know how this is achieved on private property

Mr. Szymanski noted that he was not sure if the Fire Dept. was aware of the rear access behind buildings 2, 3, 4 and 5. As far as the narrowing of the driveway south of 10 North Main Street, there is only enough width to allow access to the rear of the property. If cars park there, they block the driveway.

Mr. Szymanski added that they have designated 15 minute spots behind the House of Books building as well as the old pharmacy. They noted that they would need to privately enforce the one-way traffic patterns as best as they could.

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Sharon Songal from the Kent Coffee and Chocolate has some concerns about the 15 minute designated spaces.

Mr. Szymanski then reviewed the staff report written by Mr. Hayes, Kent Land Use Administrator. Mr. Szymanski noted that the pergola concern that Mrs. Hayes noted is no longer a concern because it has been shifted out of the setback.

Mr. Winter noted that it was not his favorite solution to allow the split rail fence by the old pharmacy. Mr. Winter was also concerned about the raised road bumps. Mr. Szymanski stated how well they worked to control traffic in developments.

They began to review Mrs. Hayes staff report again. Mrs. Hayes noted that they would need a variance for the utilities to the rear of the property. Mr. Szymanski stated that they would be placing these utilities on a plastic base, which is removable and should not be considered a structure. Mrs. Hayes noted that she would check on the old plan and the variance associated with it.

Mr. Szymanski read the alternative signage program into the record. He stated that the Kent Barns is unified. Everything is tied together. There are cross easements on all the properties. There is nothing that states that the alternative signage program should be limited to one property.

Mr. Winter stated that he feels that there are 3 separate parcels and that they are not unified. He added that 3 Maple Street could be sold off. Mr. Szymanski added that vehicular access and parking is shared across the properties.

Mr. Szymanski noted that the proposed signs may meet the Town's sign regulations without the alternative signage program for 3 Maple Street and 10 North Main Street. He continued to go over the signs for those properties. He stated that the farm shop sign on the Bookstore building was compliant and that the freestanding Kent Barns sign is compliant in size but is a general sign and not a business sign. He noted that section 19.7.4.5 allows for off-site signs. Mr. Szymanski stated that the ARB wanted the freestanding sign to be 6 s.f. instead of 12 s.f. because they were worried about the sight lines and wanted it to be the same size as the freestanding signs already on the property. Mr. Manes stated that if it was 7 feet high, he could not imagine how it would block the sightline. Ms. Corsell from the ARB stated that the ARB was concerned that the sign would block all the other signs on the property. She added that it was a dangerous intersection that they should try to improve and felt that it only complicated the issue.

Mr. Szymanski went on to explain the sign on the other side of the coffee building that screens the utilities. He added that it was a Kent Barns sign and does not have to identify businesses in the building.

Mr. Winter noted that 9 Maple Street was already in the alternative signage program.

It was suggested that the freestanding sign at 10 North Main Street be moved to 3 Maple Street. It was then noted that driving south, you would have passed two entrances to the property before seeing the freestanding sign.

Mr. Szymanski stated that they would review the signage regulations in more detail and come back with a revised plan. He felt that they could accomplish the placement of signs at 3 Maple Street and 10 North Main Street without them having to be considered part of the alternative signage program. Mr. Szymanski added that the farm shop's signs were compliant with the regular sign regulations. He added again that with a little tweaking, they could accomplish the signage under the town's sign regulations.

Mr. Szymanski stated that there are bollards along the propane tanks, but that he would indicate them more clearly on the plan.

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He stated that he submitted a new planting plan with the key changed.

Mrs. Hayes noted that they are still waiting on Anchor Engineering's comments.

Mr. Szymanski stated that they would like to incorporate 3 Maple Street on the site plan because of the planting and fencing proposed on the property. Mr. Szymanski also added that they would reference the change of use from contractor's office to retail for the farm shop.

Mr. Szymanski stated that they are eager to get started and requested a special meeting be held before the next regular meeting so the project can begin. They have a phased plan that they will submit to Mrs. Hayes. It begins with tree removal and infrastructure removal.

Mr. Winter wondered about an access and parking agreement and whether it has been updated and submitted for filing. Mr. Szymanski stated that they would do so.

Sharon Songal asked how many parking spaces were allocated for 10 North Main Street and if the applicants were allowing any parking along B. Johnstone. Mr. Szymanski stated that in lieu of any parking along B. Johnstone, they allocated eleven 15 minutes spaces for 10 North Main Street to utilize. Ms. Songal was concerned about the tenant above the Coffee shop. Mr. Szymanski stated they could designate a spot for the residential tenant.

Loading and unloading for the shipping trucks was then discussed. Mr. Szymanski stated that they could unload to the rear of building 4 and walk 60' to the front of the store. James from Gifford's Market stated that the loading/unloading is always done quickly and the driver's figure it out.

Mrs. Hayes noted that the Gleason/Farm Shop building's loading area encroaches on the Villager/Package Store property. Mr. Szymanski noted that they would clean up that easement.

Ms. Chavka stated that this is a lot of impervious surface and wondered about drainage.

Mr. Szymanski stated that they have proposed shallow, depressed rain gardens and 3 catch basins have been added. They plan to utilize the detention water on site also.

Mrs. Hayes noted that she would send out a Doodle Poll to see who is available for a special meeting.

Mr. Manes moved to table applications #62-15C, #63-15C and #64-15C to the next meeting. Ms. Casey seconded and the motion carried unanimously.

- 5.B.2.** Application #63-15C, Arthur H. Howland & Associates, P.C., for 3 Maple Street LLC, 3 Maple Street, traffic and pedestrian circulation improvements, signage, relocation of structures, Map 19 Block 42 Lot 33

See item 5.B.1.

- 5.B.3.** Application 64-15C, Arthur H. Howland & Associates, P.C. for Kent Center, LLC, 10 North Main Street, traffic and pedestrian circulation improvements, signage, relocation of structures, Map 19 Block 42 Lot 29.

See item 5.B.1.

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5.B.4. Rewrite of Zoning Regulations

Mr. Cherniske and Mr. Wyrick re-entered the meeting.

Mrs. Hayes noted that the next meeting would be on the 22nd and would be an informational meeting for the public.

6. NEW BUSINESS:

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

6.A.1. Applications #68-15SP and #69-15C, Campland, Inc., 65 Kenmont Road, covered porch addition to existing gym, Map 10 Block 22 Lot 51.

Frank Corradino was present on behalf of Campland, Inc. He explained that they would like to add a covered porch to the existing gym.

Mr. Winter reads the legal notice into the record.

He opened the public hearing at 8:19 p.m.

Mr. Corradino explained that they would like to add the 10' x 30' covered porch to enable campers to get out of the weather and store some equipment. He continued to show the architecture drawings to the Commission.

Mr. Manes asked about additional lighting and Mr. Corradino stated that there would just be interior lighting in the porch ceiling.

Mr. Winter asked about rainwater and Mr. Corradino noted that they would add new gutters and tie them into the existing drains.

Mr. Winter questioned the drainage in that area and Mr. Corradino noted that the grade goes downhill. Mr. Winter proposed adding silt fencing along the back side of the building. Mr. Corradino stated that he would do so.

Mr. Wyrick noted that it blends with the cabins. Mr. Manes noted that it was pretty far set back.

Mr. Manes moved to accept the waivers for sections 4.2, 4.3.7, 4.3.8, 4.3.9, 4.3.10, 4.3.11, 4.3.12, and 4.3.13. Mr. Cherniske seconded and the motion carried unanimously.

Mr. Manes moved to close the public hearing at 8:26 p.m. Mr. Cherniske seconded and the motion carried unanimously.

Mr. Manes moved to resolve that the Kent Planning and Zoning Commission approve the applicant's Application #'s 68-15SP and 69-15C, Campland, Inc., 65 Kenmont Road, covered porch addition to existing gym, Map 10 Block 22 Lot 51.

This resolution is approved subject to the following conditions:

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1. *The Commission considers the factual representations made by the applicant and its agents, representatives and consultants with regard to the nature, scope, location, extent, timing, frequency and all other aspects of the proposed use to have been critical in the Commission's determination that the Special Permit could properly be approved. Therefore, the applicant shall be bound by all such factual representations as though expressly made conditions of this approval, except as modified by this resolution. The applicant's factual representations include, but are not limited to, those made in the following documents:*
 - A. *Special Permit application dated September 19, 2015.*
 - B. *Site Plan application dated September 19, 2015.*
 - C. *Letter from Frank Corradino dated September 21, 2015, requesting waivers from the Town of Kent Zoning Regulations.*
 - D. *Sheet 1 of 3, Perimeter Survey Prepared for Campland, Inc. Davis Road & Kenmont Road, dated August, 1998 and revised to April 20, 1999.*
2. *That each condition attached to this special permit approval is an integral part of the approval and inseparable from it. Should any of the conditions attached hereto be found by a court of competent jurisdiction on appeal to be void, then, in that event, the special permit granted herein is void and of no legal effect.*
3. *The violation of any of the conditions of this special permit approval may be grounds for revocation of the special permit pursuant to section 4.15.8 of the Zoning Regulations.*

In granting the above special permit application, the Commission states on its record that, in the Commission's judgment, the proposed project will conform to the requirements of the Rural District and that it satisfies the factors the Commission must consider in reviewing such amendments, as set forth in the Plan of Conservation and Development and the Zoning Regulations of the Town of Kent.

Adopted by the Kent Planning and Zoning Commission this 23rd day of October, 2015.

Mr. Wyrick seconded that motion.

Mrs. Hayes noted that she has not received Torrington Area Health approval yet and asked if that could be added as a condition of approval. Mr. Manes amended his motion to include that language and Mr. Wyrick amended his second.

The motion carried unanimously.

6.B. DISCUSSION AND POSSIBLE DECISION

- 6.B.1.** Lot Line Revision: DK Geer, 141 Geer Mountain Road, Map 11 Block 40 Lot 47, to Kent Land Trust, 0 Mountain Road, Map 11 Block 40 Lot 65.

Mr. Cherniske and Mr. Weingarten recused themselves. Attorney Schiesel from Cramer and Anderson was present. She noted that this lot line revision allows access to the Kent Land Trust preserve. There is also a .100 acres being conveyed to Hockberg through a lot line revision because it is land being utilized by Hockberg, so the Kent Land Trust is revising the lot line to allow ownership to Hockberg. It was noted that the mylar should show language that these are lot line revisions and are not meant to be separate lots. Mrs. Schiesel stated that she would have the surveyor change the plan.

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- 6.B.2.** Modification to Site Plan Application #39-05, Rock Hill Associates, LLC, 9 Maple Street, alternative signage program, Map 19 Block 42 Lot 35, modification to include the installation of one sign relating to Tea & Dreams, 7 Fulling Lane.

Mr. Cherniske and Mr. Weingarten returned to the meeting. The Commission had no questions about the proposed sign.

Mr. Manes moved to approve the modification to the alternative signage program to allow a sign relating to Tea and Dreams at 7 Fulling Lane. Mr. Cherniske seconded and the motion carried unanimously.

- 6.B.3.** Application #72-15C, FranSam, LLC, 38 North Main Street, change of use from medical or dental offices or out-patient clinics to retail stores, Map 19 Block 42 Lot 21.

Peter D' Aprile was present for the application. It was noted that there would be no changes to the exterior of the building and that the retail area would be a big, open space. There are 2 apartments remaining upstairs. They would need 13 parking spaces by the regulations.

Mr. Winter felt that there was no increase in traffic from a doctor's office to a pharmacy/retail sales.

Mr. Manes felt like the intensity would go up, but there was an awful lot of parking.

There is a parking agreement with the Department of Transportation to the rear of the property. It is an annual lease.

Mr. D'Aprile stated that the pharmacy currently has 4 spots in its location at 3 Maple Street.

Mr. Manes moved to approve the following waivers: 4.3.1, 4.3.2, 4.3.3 and 4.3.4. Mr. Wyrick seconded and the motion carried unanimously.

The Commission had no further comments or questions.

Mr. Manes moved to approve application #72-15C. Mr. Cherniske seconded and the motion carried unanimously.

- 6.B.4.** Approval of 2016 Regular Meeting Schedule

Ms. Casey moved to approve the 2016 regular meeting schedule. Mr. Cherniske seconded and the motion carried unanimously.

- 6.B.5.** Reappointment of Scot Samuelson, AIA, and Greg St. John to the Architectural Review Board each with a term expiration date of August 10, 2017.

Mr. Manes moved to reappoint Scot Samuelson and Greg St. John to the ARB. Mr. Cherniske seconded and the motion carried unanimously.

7. STAFF REPORT:

- 7.A.** Cease and Desist Order: 8 South Road, Map 10 Block 40 Lot 38

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Mrs. Hayes noted that there are 15 cars located on 8 South Road. She issued a cease and desist order and the owner stopped by the office and told her that he would come in on Friday, October 9 or Tuesday, October 13 and let her know where and when the cars would be moved.

8. REPORT OF OFFICERS AND COMMITTEES:

It was noted that Anne McAndrew was appointed as an alternate of the P&Z Commission. Mr. Weingarten and Mr. Chavka also needed to be reappointed.

9. OTHER COMMUNICATIONS AND CORRESPONDENCE:

9.A. Administrative Permits and Certificates of Compliance

No action taken.

9.B. State of Connecticut, Connecticut Site Council, Cellco Partnership d/b/a Verizon Wireless notice of intent to modify an existing telecommunications facility located at 40 Bulls Bridge Road, Kent, Connecticut.

No action taken.

9.C. NHCOG: Upcoming Land Use Workshops, Training Sessions and Events; Updated NHCOG Referral Submission Process; NHCOG Goals & Outcomes.

No action taken.

10. ADJOURNMENT

Mr. Wyrick moved to adjourn the meeting at 9:06 p.m. Mr. Cherniske seconded and the motion carried unanimously.

Respectfully submitted,


Jennifer Calhoun
Land Use Clerk

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