

TOWN OF KENT
PLANNING AND ZONING COMMISSION
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MARCH 12, 2015 REGULAR MEETING MINUTES

The Town of Kent Planning and Zoning Commission held a regular meeting on Thursday, **March 12, 2015** at **7:00 p.m.** in the Kent Town Hall.

1. CALL TO ORDER

Mr. Johnson called the meeting to order at 7:00 p.m.

2. ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED

Commissioners Present: John Johnson, Chairman; Karen Casey, Richard Chavka, Darrell Cherniske, Dennis De Paul, Adam Manes, Marc Weingarten, Matt Winter

Staff Present: Donna M. Hayes, Land Use Administrator

Mr. Johnson elevated Mr. Chavka and Mr. Weingarten to voting status.

Mr. De Paul moved to add agenda items 6.B.5., 6.B.6., 6.B.7. and 8.A. to the agenda. Mr. Cherniske seconded and the motion carried unanimously.

3. READING AND APPROVAL OF MINUTES:

3.A. Regular Meeting Minutes of February 12, 2015.

Mr. Winter commented that the wording on page 3, 4th paragraph was a little confusing to read and suggested that the words "be added" be included at the end of the sentence. After a brief discussion, he stated that if the rest of the Commission was okay with the wording he was, too.

Mr. Winter moved to approve the Regular Meeting Minutes of February 12, 2015 as written. Mr. Cherniske seconded and the motion carried unanimously.

3.B. Special Meeting Minutes of February 19, 2015.

Mr. Winter moved to approve the Special Meeting Minutes of February 19, 2015 as written. Mr. Cherniske seconded and the motion carried unanimously.

TOWN OF KENT PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES FOR MARCH 12, 2015

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3.C. Special Meeting Minutes of February 25, 2015.

Ms. Hayes informed the Commission that this was an illegal meeting because there was not a quorum of regular members. She continued that she filed the minutes anyway and was advised by the Town Clerk that the Commission recognize that there was not a quorum at this meeting and that the motion that was made with regard to the Kent Land Trust grant application be made again so that the motion that was made will be formalized.

Mr. De Paul moved to send the letter to the Commissioner of the DEEP. Mr. Chavka seconded and the motion carried unanimously.

Mr. De Paul moved to approve the special meeting minutes of 2/25/15 as written. Mr. Cherniske seconded and the motion carried unanimously.

Mr. Manes arrived at the meeting at this point in the meeting.

4. PUBLIC COMMUNICATIONS (ORAL):

No action taken.

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

Mr. Winter recused himself from this discussion.

5.B.1. Application #07-15Si, Guy Mauri, 52 Kent Cornwall Road, installation of 6 sq. ft. sign for Spirit Horse Farm lodging, Map 9 Block 43 Lot 15.

Ms. Hayes asked if the Commission members had seen the Attorney Zizka's response to the email the Commission had asked her to send to him at the last meeting. She continued that her decision on how to handle the application was based on her past experiences working in the Land Use Office. The next step would be for the Commission to decide whether or not they wanted to approve the sign application for the lodging based on Atty. Zizka's determination that the approval would not affect the pending legal action against the Zoning Board of Appeals.

Mr. Weingarten asked what section of 19.7.3. applies to this application. Ms. Hayes said that she was applying section 19.7.3.c. Mr. Manes explained that the boarding house is a home occupation in an accessory structure. Mr. Weingarten said that the regulation is just not clear. Mr. Johnson agreed. Mr. Manes said that the business is being conducted in an accessory structure. Ms. Casey asked which structure and Ms. Hayes said that it was the barn. She asked about the small cottage that is located near the house and Ms. Hayes replied that the rental of that cottage is not included in the boarding house permit. Mr. Chavka asked if there was currently a sign on the property and Ms. Hayes replied that there was not. Mr. Johnson said that there are inconsistencies in the regulations which he hopes will be addressed in the rewrite. Ms. Hayes said that she was hoping that the applicant was going to be present so that she could explain that he will have to get a permit from the State DOT.

**TOWN OF KENT PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES FOR MARCH 12, 2015**

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Since the applicant was not in attendance at the meeting, that information will be sent to him with his approval letter.

Mr. Manes moved to approve Application #07-15Si, Guy Mauri, 52 Kent Cornwall Road, installation of 6 sq. ft. sign for Spirit Horse Farm lodging, Map 9 Block 43 Lot 15. Mr. Weingarten seconded and the motion carried unanimously.

Ms. Hayes told the Commission that she had received an email from Mr. Mauri about how the Commission handles the sale of produce from a farm. She then read the email into the record along with her response. A copy is attached to the minutes. Mr. Johnson asked that this be added to next month's agenda.

Ms. Hayes then read another email from Mr. Mauri into the record regarding the sign application. A copy is attached. Ms. Hayes said that she feels Atty. Zizka's email answers that question.

Mr. Manes asked if Mr. Mauri had supplied wording for a possible change to the regulations. Ms. Hayes said that he had made suggestions for the changes ... all through emails. Mr. Johnson said that he would prefer not to work off of emails especially when there are applicants in the audience waiting to be heard and suggested that this discussion be added to the March 26th meeting and that Mr. Mauri should be invited to attend.

Mr. Winter returned to the meeting.

5.B.2. Rewrite of Zoning Regulations

Ms. Hayes said that she has nothing to report other than the next meeting is scheduled for March 26th at 6:00 p.m. Mr. Johnson asked the Commission members if they had received a copy of Mr. Spelbos' email recapping his comments made at the public informational meeting.

No action taken.

5.B.3. Temporary Farm Worker Housing

Ms. Hayes said that she had not received any additional information from the Kent Land Trust regarding the direction they wish to take with regard to the temporary farm worker housing.

No action taken.

6. NEW BUSINESS:

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

6.A.1. Application #'s 10-15SP and 11-15C, David Birnbaum, 33 Camps Road, operation of farmstand, Map 17 Block 28 Lot 30.

Mr. Johnson read the public notice into the record and opened the public hearing at 7:26 p.m.

Mr. John Suscovich was present representing the applicant. Ms. Hayes said that Mr. Suscovich is proposing to create a farmstand in the milking room of the original barn. Mr. Johnson stated that the suggested size would be 130 square feet. Mr. Weingarten said that he has a question about that as the regulations state that the farmstand

should only be 100 square feet. Mr. Winter said that he feels that it all depends how the regulation is read. Mr. Weingarten agreed and said that the regulation is not grammatically correct. Mr. Manes agreed with Mr. Winter's interpretation that it should be either a 100 sq. ft. freestanding farmstand or a farmstand within an existing building with no square footage requirement. Mr. Winter said that this will be cleared up in the rewrite and that because it was a special permit, the Commission should continue on with the discussion.

Mr. Johnson asked how the CSA will work and Mr. Suscovich said that the CSA's are picked up at the New Milford farmer's market and that any CSA's that were not picked up at the farmer's market will be set up in separate boxes. Since most of the CSA's will be picked up at the farmer's market, the farmstand in question will be set up for those people who are coming to the farm.

Mr. Johnson asked if Ms. Hayes had any concerns regarding the parking and she replied that she did not. Mr. Cherniske asked if bringing in fill had to do with cleaning up the parking lot. Mr. Suscovich said that it did because right now the parking area was very muddy.

Mr. Manes asked about the hours of operation. Mr. Suscovich said that the stand will be open until 6:00 p.m. He was reminded that it is dark at 6:00 p.m. during the winter. Mr. Winter asked if they would really be open after 4:00 during the winter. Mr. Manes said that the regulations say "daylight hours" and that there was no definition of "dusk".

Mr. Johnson asked what would be sold and Mr. Suscovitch replied that he will be selling frozen meat, eggs and mixed salad greens. The farm will be increasing their quantity of mixed salad greens as the years go on.

Mr. Johnson asked if the Commission anticipated any impact to traffic. Mr. Winter said based on what was stated in the application, he did not.

Mr. De Paul moved to close the public hearing at 7:36. Mr. Manes seconded and the motion carried unanimously.

Mr. De Paul said that he felt the use was appropriate and that he did not see any issues with traffic. Mr. Johnson said that he did not see any issue with parking. Mr. Cherniske and Mr. Manes both agreed.

Mr. Winter move to grant waivers to Sections 4.3.5., 4.3.6., 4.3.7., 4.3.8., 4.3.9., 4.3.10., 4.3.11., 4.3.12., and 4.3.14. as written by the applicant in their letter dated January 31, 2015. Mr. Manes seconded and the motion carried unanimously.

Mr. Winter moved that the Kent Planning and Zoning Commission approve the applicant's Application #'s 10-15SP and 11-15C, David Birnbaum, 33 Camps Road, operation of farmstand, Map 17 Block 28 Lot 30.

This resolution is approved subject to the following conditions:

- 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:*

TOWN OF KENT PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES FOR MARCH 12, 2015

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- A. *Special Permit application dated February 1, 2015.*
 - B. *Site Plan application dated February 16, 2015.*
 - C. *An undated document entitled "Site Plan Notes".*
 - D. *A site plan of the subject property stamped "Original" and "received 2/18/15 by DMH".*
2. *The hours of operation will be during daylight hours.*
 3. *The number of employees will be as defined in the undated document entitled "Site Plan Notes".*
 4. *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.*
 5. *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 30th day of March, 2015.

During discussion the Commission discussed hours of operation and the number of employees. Mr. Manes said that the regulations state that the operation shall be in daylight hours and suggested that wording be used. With regard to the number of employees it was decided that the resolution refer back to the Site Plan Notes submitted with the application. Mr. Johnson said that he had no problem with that.

Mr. Cherniske seconded and the motion carried unanimously.

Ms. Hayes explained the next steps in the process and the Commission stated that it would be fine for Ms. Hayes to approve the farmstand signage after the appeal period. Mr. Suscovich asked if it would be possible to add something to his sign permit. Ms. Hayes said yes and that she would discuss it with Mr. Suscovich after the appeal period.

6.B. DISCUSSION AND POSSIBLE DECISION

Mr. Cherniske recused himself from this discussion.

6.B.1. Lot Line Revision, Bruce and Deborah Bennett, 30 South Main Street, Map 4 Block 13 Lot 6.

Mr. Bruce Bennett was present to address the Commission. He explained that in 1994 they purchased an additional 3 acres, merged the lot lines via legal paperwork and assumed everything had been done according to the regulations. Mr. Bennett said that he realized it was not done correctly and asked that the merger be cleared up and also requested that both pieces be categorized as Commercial.

TOWN OF KENT PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES FOR MARCH 12, 2015

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Ms. Hayes showed the Commission the mapping and explained that the current tax maps show it as one piece with a building restriction. Mr. Manes clarified that the reason why Mr. Bennett was here was to get Zoning approval for something that had already been done. He continued that the Kent Greenhouse had always used that property in a commercial capacity and that accepting the lot line revision would be the first step in making sure that the property was being used in accordance with the zone that it is in. Ms. Hayes agreed and said that the extension of the Commercial district to that lot would be done when the maps are adjusted as a result of the changes to the zoning regulations.

Mr. De Paul moved to accept the Lot Line Revision, Bruce and Deborah Bennett, 30 South Main Street, Map 4 Block 13 Lot 6. Mr. Manes seconded and the motion carried unanimously.

Mr. Cherniske returned to the meeting.

Mr. Manes recused himself from the following discussion.

6.B.2. Application #12-15C, Peter Kirkiles for PE Corp, 3 Segar Mountain Road, art studio/metal fabrication use in Industrial District, Map 4 Block 44 Lot 5.

Mr. Johnson left the meeting for a brief time and Mr. De Paul led this discussion as Chairman.

Mr. Kirkiles was present to address the Commission. He explained that he will be leasing a small portion of the front building in order to receive material for his fabrication/art business. Mr. Cherniske commented that this use had already been at this location. Mr. De Paul asked about exterior lighting and Mr. Kirkiles replied that there was some but he would not be adding any. When asked about hours of operation, Mr. Kirkiles said that he would like to have access to the building 24/7, if possible. Ms. Hayes asked if customers would be visiting the site and he said that some clients would be coming in from time to time to see the work they had contracted with him. Mr. Winter asked if there would be any retail space and Mr. Kirkiles said no. Mr. Chavka asked if Mr. Kirkiles would be doing any foundry work and he replied that he would be doing some welding but no foundry work.

Mr. Cherniske moved to approve Application #12-15C, Peter Kirkiles for PE Corp, 3 Segar Mountain Road, art studio/metal fabrication use in Industrial District, Map 4 Block 44 Lot 5. Mr. Weingarten seconded and the motion carried unanimously.

Mr. Johnson and Mr. Manes returned to the meeting.

6.B.3. Incentive Housing Zone Program Notice of Grant Award

Ms. Hayes told the Commission that the Incentive Housing Zone Program Grant had been approved. The original is currently in the hands of the First Selectman for signature. She asked how the Commission would like to move forward. The period of the award runs until February, 2017. Ms. Hayes reminded the Commission that this \$20,000 is for Phase I of the grant. First Selectman Adams suggested that the Commission speak with Mr. Mike Goman, the consulting Economic Development Director for the NW Corner, about possible development opportunities. Ms. Hayes said that \$4,500 was earmarked to go toward the engineering study by Anchor Engineering with \$15,500 going to Planimetrics to write the regulation and go to public hearing making up the \$20,000 grant.

Mr. Manes asked if the property identified was Casey land and questioned whether or not someone from the family should at a meeting to discuss the fact that the Town was going to use their property as an Incentive Housing Zone. Mr. De Paul reminded the Commission that Mr. John Casey was present during the initial discussion. Ms. Casey pointed out that he is not the sole owner of the property. Mr. Manes said that before the studies can be undertaken, the Commission should get written permission from the property owner. Ms. Casey said that she had no idea what the rest of the family thinks and that there is a public perception that Mr. John Casey is the owner. Mr. Johnson reminded the Commission that this process started out as a way to obtain a grant to do a study on the continuation of Kent Green Boulevard to Maple Street Extension. Mr. De Paul said the continuation of Kent Green Boulevard to Maple Street Extension would be an ideal location for a possible train station. Mr. Chavka asked if the study should identify other sites and commented that he would hate to spend all that money and then have the project turned down by the land owners. Mr. Johnson said that he did not know that money had been allocated already and asked if the money had been promised to Anchor Engineering and Planimetrics. Mr. Manes said that he would like to see how Anchor Engineering and Planimetrics had come up with their fees for this project. Ms. Hayes said that Ms. Ayer had a conversation with Mr. Chalder of Planimetrics. Mr. Manes said that he would like to find out the exact scope of the work.

With regard to who will administer the grant, Mr. Johnson said that he had a conversation with First Selectman Adams who said that they would prefer to have the Planning & Zoning Board administer the grant. Mr. Manes said that he did not think that First Selectman Adams could make that decision on his own. Mr. Johnson said that would need to be clarified. Mr. De Paul suggested that a subcommittee be created and recommended that Mr. Winter be on it. Ms. Hayes said that Mr. Michael Everett volunteered his services. Mr. Johnson said that he thought that most of the money would go to the engineering portion of the grant. Ms. Hayes told the Commission that she had the anticipated scope outlines from Anchor and Planimetrics. Mr. Manes asked Ms. Hayes if she could send the entire packet out to the members of the Commission. Mr. Chavka asked if the Town was required to entertain other bids and Ms. Hayes said that she did not think so.

Mr. Manes stated that once all the documentation is created, he feels that the public will have a problem with the fact that the Casey family will benefit from it. Mr. De Paul said that this connection has always been addressed in the POCD and countered by saying that this type of grant could have benefitted anyone whose property was included in the incentive housing zone and used the extension of the Maple Street Extension sewer line as an example. Mr. Manes said that the sewer extension benefitted the entire Town and all of those property owners along Maple Street Extension. This grant would not be the same thing because the entire piece of property is owned by one family. Mr. Johnson said that he initiated this last fall just as a planning exercise making it as general as possible to see what type of engineering would be needed to build the extension road and that the grant ties it to a specific piece of property. The intention has always been general. Mr. Johnson said that for the record this was done for the benefit of the Town and not to benefit of the property owners. Mr. Winter agreed with Mr. Manes and said that he did not think that the property owners could be the beneficiary of the documentation that is prepared as a result of the grant. He continued that he did not think that could be denied but he would like to ensure that the intellectual property of the grant remains with the Town. Mr. Manes and Mr. De Paul feel that since the documentation is being created with State funds, the public is entitled to it. Mr. Johnson said that any of the deliverables will not be enough for an applicant to come forward with an application. Ms. Casey said that the general public does not know that.

Ms. Casey asked how come the property owners have not been required to give permission for this exercise. Mr. Winter stated that it is part of the long-term plan of tying the Village Center together. Ms. Casey stated that it is private property and that the Commission should have talked with the owners before beginning any of this. Mr. Johnson replied that he felt that the Commission did have a discussion with a family representative. Ms. Casey said that to her knowledge he has not been designated as the family representative and while she is in agreement

TOWN OF KENT PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES FOR MARCH 12, 2015

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with Mr. Manes, she cautioned the Commission about going further without formal approval from the property owners. Ms. Hayes said that she thought a portion of the property was to be gifted to the Town. Mr. Johnson said that has always been discussed but it is in no way a requirement or a condition of the grant.

Mr. Manes said that before the Commission moves forward he would like to have a letter from the property owners stating who the representative is. Ms. Casey said that she understands what the Town is trying to do and feels that it is the right thing, but the way it came about is wrong.

To summarize, Mr. De Paul said that a letter should be submitted from the property owners. Mr. Johnson added that there should be some determination from the Board of Selectmen regarding who will have the jurisdiction over the administration of the grant.

Mr. Chavka asked if this study, when completed, could be used to improve the value of the property. Mr. Manes said yes.

Mr. De Paul asked for a reasonable time frame to discuss this. Ms. Casey wanted to make it clear that she has no ownership in this. Ms. Hayes asked if the Commission wanted her to put this on the April agenda and Mr. De Paul said that he would like to see it sooner rather than later. She also asked if the Commission would want her to work with Mr. Johnson to create the letter. Mr. Chavka asked if this should go public in order to help the public understand what is happening. Mr. Johnson said that he feels that those who were at the meeting should be aware of the intent of the grant. Mr. Manes added that it was also discussed at the First Selectmen's meeting. Ms. Hayes said that the decision on how the grant will be administered will also be discussed at a First Selectmen's meeting, so the public will be made aware of the grant.

It was decided that Ms. Hayes will talk with First Selectman Adams, work with Mr. Johnson to draft a letter to be sent to the property owners and include this as discussion on the April agenda.

No action taken.

6.B.4. Approval of Capital Plan Projects

Mr. Winter moved to hear Approval of Capital Plan Projects before agenda item 3. Mr. Cherniske seconded and the motion carried unanimously.

Mr. James Blackketter was present representing the Board of Finance. He explained that the Commission is required to discuss the projects that were presented and not the actual cost. Mr. Weingarten asked if there will be any new buildings and Mr. Blackketter replied that it was mostly repairs to the major buildings in the Town. Ms. Hayes suggested that the Commission discuss the \$100,000 budgeted in 2020 for the Streetscape project. Mr. Blackketter explained that the money will be used for projects like sidewalk repair, painted bumpouts and refinement of the driveway entrances to those businesses in the Village District. Mr. Winter asked if there were any changes to the monies budgeted in 2015 to 2019. Mr. Blackketter said that he did not think there was anything substantial. Ms. Hayes commented that she thought the Board of Finance had decided that no changes would be made to the projects budgeted to the left of the wide black line. Mr. Blackketter replied that they don't like to make changes in that area, but it could be done.

Mr. Johnson asked if it was anticipated that the Town finance the entire Streetscape project or is it too far out. Mr. Blacketter said that there are STEAP grants and that State funding under Governor Malloy for Main Street projects are off of the table.

Mr. De Paul moved to approve the Five Year Capital Plan as presented by the Board of Finance. Mr. Cherniske seconded and the motion carried unanimously.

6.B.5. Camps Road Farm, educational training sessions in conjunction with Club Getaway.

Mr. Manes moved to hear agenda item 6.B.5., Camps Road Farm, educational training sessions in conjunction with Club Getaway before agenda item 6.B.3.

Mr. John Suscovich was before the Commission to ask if it would be possible to hold teaching/farm tours at the farm. This would be done with campers from Club Getaway who would be involved in actual planting, harvesting, etc. The timing for these visits would be June, July, and August, once or twice a month. The bus from Club Getaway could hold 45 campers making the range between 12 to 45 campers. With the increase in the traffic, Mr. Suscovitch thought it would be a good idea to check with the Commission first.

Mr. Winter asked if all the uses on the property would require a special permit since the microbrewery on the property is being operated under a special permit. Ms. Hayes said no. Mr. Johnson clarified that during the approval process for the microbrewery, it was made very clear that the microbrewery use was only permitted via a special permit. Mr. Manes asked if the current proposal would require a permit. Ms. Hayes explained that was the question. If the Commission considered this an accessory use to the farming operation, then no permit would be required. Mr. Chavka said that he recalls during previous discussions that the property owners would try to use the farm for educational purposes. Mr. De Paul said that if there were any complaints regarding traffic, this use would have to be readdressed.

When asked how long the campers would be there, Mr. Suscovich said that they would only be at the farm for approximately 1 – 2 hours.

No action taken.

6.B.6. Installation of propane tank switch-out centers in the Village District.

Ms. Hayes advised the Commission that a sales representative from Paraco Gas had come into the office to ask about the process of installing propane “switch-out cages” in the Village District. She explained that the company would install a 5’h x 4’w x 1 tank depth stainless steel cage with a top, capable of holding either 18 or 36, 20 lbs. lp tanks. There will be cement crash barricades installed in front of the cage and the cage would be locked requiring patrons to go into the store to pay for the switch out. The empty tanks would be swapped out with filled tanks when there are approximately 10 filled tanks left in the cage. Ms. Hayes’ question was whether or not the Commission saw this as an accessory use to the retail establishment. She commented that she thought it would require ARB approval. Mr. De Paul asked if the representative had identified a location and Ms. Hayes said no. Mr. De Paul said that would affect his decision. He also commented that there already is a filling station in the Town. Ms. Hayes agreed and said that due its size and installation, it was considered a structure and the proper permits were given. Mr. Manes said that 36, 20 lbs. lp tanks is a lot of propane and feels that it does require a permit. Mr. Johnson said that he does not consider it an accessory use to the Heron Gallery or a restaurant, but it

could be an accessory use to Patco or a gas station. He suggested that a site plan be presented. Mr. Manes said that he did not think the cage could be placed anywhere other than the Patco.

It was decided that it would be a site by site determination with a site plan application, as well as an ARB application.

No action taken.

6.B.7. CL&P temporary construction trailer, 3 Segar Mountain Road.

Ms. Hayes advised the Commission that CL&P has installed at least one construction trailer at the old Berkshire Transformer property to use at their management office while they are replacing utility poles along Routes 341 and 7 and South Kent Road. She said that she had spoken with First Selectman Adams with regard to the length of the project and he responded that CL&P anticipates being in Kent for the next 8 months. Her question to the Commission was whether or not an application would be required. Section 6.1.11. states that a temporary construction trailer for the storage of equipment to be used for not more than a year “during the construction of permitted structure” needs a zoning permit. Ms. Hayes told the Commission that First Selectman Adams told her that there could be double poles for years since the other utilities work slower than CL&P. Since this work is not in conjunction with the construction of a permitted structure, would that regulation apply and should she require them to pull a permit. Mr. Johnson asked if a utility company would be exempt. Mr. Manes suggested asking for a permit and see if there is any push back from them. Mr. De Paul said that one should be required as a way to keep tabs on the progress of the work. Ms. Casey agreed. Mr. Winter asked if renting the space for the trailer is even allowed. Mr. Manes said that Mr. Bouchard had to come before the Commission when he wanted to store his equipment on the same property. He suggested that a letter be sent to the property owner requiring the submission of a zoning permit.

No action taken.

7. STAFF REPORT:

Mr. Winter recused himself from this discussion.

7.A. Executive Session; Legal Litigation: 52 Kent Cornwall Road

Mr. De Paul moved to go into Executive Session; Legal Litigation: 52 Kent Cornwall Road at 8:47 p.m. Mr. Cherniske seconded and the motion carried unanimously.

The Commission came out of Executive Session at 9:10 p.m.

Mr. De Paul moved that the Commission follow the advice of its legal counsel and keep the Board of Selectmen advised of the legal proceedings. Mr. Cherniske seconded and the motion carried unanimously.

Mr. Winter returned to the meeting at this time.

8. REPORT OF OFFICERS AND COMMITTEES:

8.A. Executive Session: Filling of Alternate Position

Mr. De Paul moved to go into Executive Session: Filling of Alternate Position at 9:11 p.m. Mr. Winter seconded and the motion carried unanimously.

The Commission came out of Executive Session at 9:18 p.m.

Mr. Winter moved to recommend Wes Wyrick to the Board of Selectmen for the open alternate position on the Planning & Zoning Commission. Mr. De Paul seconded.

During discussion, Mr. Johnson stated that Wes' experience and knowledge displayed as a former member of the Commission highly qualifies him for the alternate position.

The motion carried unanimously.

9. OTHER COMMUNICATIONS AND CORRESPONDENCE:

9.A. CBA Education & Training, March 21, 2015

Ms. Hayes told the Commission that this is the yearly training that the Connecticut Bar Association holds advising those in attendance of recent court rulings. She continued that if anyone wanted to attend, she has money in the budget.

No action taken.

9.B. Town of Sherman, Planning & Zoning Commission Notification of Public Hearing, May 7, 2015.

Ms. Hayes explained that this was added for informational purposes in case the Commission wanted to see what other towns were working on. Mr. Winter said that he did not think dispensaries could be regulated. Ms. Hayes said that they are regulated by the State and the State determines whether or not there is an opening in the area in which they would like to operate. Mr. Winter said that the Town allows pharmacies and retail establishments so if it's a legal use how we can regulate it. Ms. Hayes said that she did not think that these dispensaries are connected with a pharmacy or retail establishment and are stand allow specifically for the dispensing of marijuana. Mr. Winter and Mr. Manes said that they both consider them a retail establishment. Mr. Winter asked for clarification because it was mentioned at the public informational meeting along with concerns regarding the use of drones. With regard to drones, Ms. Hayes said that there is upcoming legislation regarding the use of drones by the police and by criminals.

No action taken.

9.C. FY 14 – '15 Actual vs Budget

Ms. Hayes explained that the budget was looking good and that there might be money left over in the clerk line. Mr. Johnson commented that there was still some money left in the engineering and planning lines and asked Ms. Hayes if they were included in this upcoming budget. She replied that she had not been asked to reduce any of her lines and that the figures for engineering and planning remained the same as the current budget.

No action taken.

**TOWN OF KENT PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES FOR MARCH 12, 2015**

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9.D. Murtha Cullina, Statement for Services Rendered through January 31, 2015, Invoice #505056, \$1,372.50.

Mr. De Paul moved to pay Murtha Cullina, Statement for Services Rendered through January 31, 2015, Invoice #505056, \$1,372.50. Mr. Winter seconded and the motion carried unanimously.

9.G. Administrative Permits and Certificates of Compliance

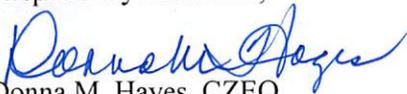
No action taken.

Ms. Hayes told the Commission that she had attended a CCM Conference on the importance of planners. She gave a brief description of the seminar and told the Commission that she had a copy of the presentations if any of the Commission members were interested in seeing it. Some of the highpoints are, as a planner, trying to encourage towns to look beyond the "budget to budget" time frame and to concentrate on providing "quality" service. Mr. Johnson said that it is really important for the Commission to continue to bring planning to the Town. He continued that at the last Chamber of Commerce meeting, they introduced Mr. Michael Goman, who is the economic developer for the 8 Towns in the northwest. Mr. Johnson said that he would like to see a list of projects that the Town would like to concentrate on. Ms. Hayes said that she would forward Mr. Goman some email addresses. Mr. Johnson said that he would like the members of the Commission to come forward with 3 or 4 projects they think would be beneficial for Mr. Goman and/or his associates to work on. Mr. De Paul said that he has 3 or 4 that he has been thinking about. Ms. Hayes said that she would add this topic to the April agenda. Mr. Johnson asked the members to forward their recommendations to Ms. Hayes for inclusion in the April meeting packets.

10. ADJOURNMENT

Mr. Manes moved to adjourn at 9:35 p.m. Mr. Weingarten seconded and the motion carried unanimously.

Respectfully submitted,


Donna M. Hayes, CZEO
Land Use Administrator

RECEIVED FOR RECORD
KENT TOWN CLERK
2015 MAR 16 P 12:51
BY  TOWN CLERK

TOWN OF KENT PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES FOR MARCH 12, 2015

These are draft minutes. Corrections may be made by the Commission at the subsequent meeting. Please refer to subsequent meeting minutes for possible corrections and approval of these minutes.



Donna Hayes <landuseadmin@townofkentct.org>

Sign application

1 message

Guy Mauri <mauriguy@sbcglobal.net>

Tue, Mar 10, 2015 at 6:54 PM

To: Donna Hayes <landuseadmin@townofkentct.org>

Cc: Adam Manes <adam@countrycaretaker.com>

Hi Donna,

I know you were asked by the commission to check with Mike Zizka regarding whether or not issuing me a permit for my lodging sign would affect the litigation.

(Which I would like to drop if the new regs can include changes to allow farm weddings).

Can you please also ask Mike Zizka if he feels lodging is a commercial use as defined by the Regulations, (See section 2.2, page 10, under definition of 'Commercial'), and whether the RU zone prohibits commercial use.

My belief is that the RU zone is a mixed use zone, allowing several commercial activities, including agriculture, lodging, and home based businesses, among many others.

I can find no suggestion anywhere in the current Regs that would prohibit commercial activity in the RU zone.

If he agrees, then I feel my sign application has been filled out correctly, and I hope to have it granted at Thursday's meeting.

Thank you,

Guy Mauri



Donna Hayes <landuseadmin@townofkentct.org>

Sale of farm products

4 messages

Guy Mauri <mauriguy@sbcglobal.net>

Tue, Feb 24, 2015 at 10:52 AM

To: Donna Hayes <landuseadmin@townofkentct.org>

Donna,
How does zoning currently handle the sale of farm products.
Like eggs, and produce.
Are these "accessory uses" and simply allowed without any kind of permit?
What about smaller signs, like "Fresh Eggs"?
Thanks,
Guy

Donna Hayes <landuseadmin@townofkentct.org>

Tue, Feb 24, 2015 at 10:55 AM

To: Guy Mauri <mauriguy@sbcglobal.net>

You would need to pull a special permit to operate a farm stand (section 6.2.17). Signage is handled via section 19.7.3.e.

*Donna M. Hayes, CZEO
Land Use Administrator
Town of Kent
Land Use Office
41 Kent Green Boulevard
P.O. Box 678
Kent, CT 06757
(860) 927-4625
[Quoted text hidden]*

Guy Mauri <mauriguy@sbcglobal.net>

Tue, Feb 24, 2015 at 11:21 AM

To: Donna Hayes <landuseadmin@townofkentct.org>

I understand that a "Roadside farm stand" would require a special permit, but isn't sales of agricultural goods an accessory use to the primary use of Agriculture, and so also allowed by right?
I don't understand how one can have a farm by right, but not actually sell the products to the public without going through the onerous, uncertain, and expensive process of obtaining a Special Permit.
My predecessor in ownership sold Christmas trees here with out a Special Permit.
They way I read these current regs, a Special Permit is required for a "Road Side Farm Stand", but not for the sale of agricultural products sold on the farm, away from the road side.
Are you sure about this?
[Quoted text hidden]

Guy Mauri <mauriguy@sbcglobal.net>

Tue, Feb 24, 2015 at 12:17 PM

To: Donna Hayes <landuseadmin@townofkentct.org>

Does 19.7.3.e require an additional sign permit?

On Feb 24, 2015, at 10:55 AM, Donna Hayes wrote:

[Quoted text hidden]