

**TOWN OF KENT**  
**PLANNING AND ZONING COMMISSION**  
41 Kent Green Boulevard  
P.O. Box 678  
Kent, CT 06757  
Phone (860) 927-4625 Fax (860) 927-4541

RECEIVED FOR RECORD  
KENT TOWN CLERK

2015 DEC 14 A 11:44

BY *Donna Hayes* TC  
TOWN CLERK

**DECEMBER 10, 2015 REGULAR MEETING MINUTES**

The Town of Kent Planning and Zoning Commission held a regular meeting on Thursday, December 10, 2015 at 7:00 p.m. in the Kent Town Hall.

**1. CALL TO ORDER**

Chairman Johnson opened the meeting at 7:08 p.m.

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

Commissioners Present: John Johnson, Matthew Winter, Wesley Wyrick, Darrell Cherniske, Ann McAndrew, Karen Casey, Adam Manes and Alice Hicks

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

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

3.A. Special Meeting Minutes of October 22, 2015 (Public Informational Meeting).

*Mr. Winter moved to approve the special meeting minutes of October 22, 2015 as is. Mr. Cherniske seconded and the motion carried unanimously.*

3.B. Regular Meeting Minutes of November 12, 2015.

*Mr. Winter moved to approve the regular meeting minutes of November 12, 2015 as is. Mr. Cherniske seconded and the motion carried unanimously.*

3.C. Special Rewrite Meeting Minutes of November 18, 2015.

*Mr. Manes moved to approve the special rewrite meeting minutes of November 18, 2015 as is. Ms. Casey seconded and the motion carried unanimously.*

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

No public communications at this time.

**5. OLD BUSINESS:**

---

TOWN OF KENT PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES FOR DECEMBER 10, 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.

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

- 5.A.1.** Applications #76-15SP and #77-15C, David L and Deborah M Bain, 21 North Main Street, change of use from commercial to mixed residential and commercial, Map 19 Block 14 Lot 3.

Mr. Johnson opened the public hearing at 7:10 p.m. David Bain was present for the public hearing. Mrs. Hayes stated that the Zoning Board of Appeals had approved a variance for the access aisles related to this application. Mr. Manes stated that it was a good application, nothing wrong with the change of use and that the Commission wanted to make more mixed use in this zone. The Commission had no further questions and felt their concerns had been met by the granting of the variance.

*Mr. Winter moved to approve applications #76-15SP and #77-15C. Mr. Wyrick seconded and the motion carried unanimously.*

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

- 5.B.1.** Application 78-15C, John Gleason for Cynthia Gustafson, 21 Bridge Street, change of use from car sales, repair, apartment and retail to car sales, repair, apartment, retail and contractor's office, Map 19 Block 13 Lot 10.

John Gleason was present for the application. Mrs. Hayes explained that the applicant would like approval to add a contractor's office in the main building and to house electrical parts and equipment in the freestanding garage towards the back of the lot. The plans now show parking and where the office is located in the main building; a concern the Commission had at the last meeting.

Mr. Winter questioned pedestrian traffic to enter the main building office. Mr. Gleason showed the door and noted that only the secretary and he would use the office.

Mr. Gleason was asked the hours of operation and answered that they were normally 5:00 a.m. to 5:00 p.m. Monday through Friday and 5:00 a.m. to 9:00 a.m. on Saturday.

Mr. Johnson questioned the lighting on site. Mrs. Hayes noted that, relative to another application, the ZBA approved security lights that are on a motion sensor after hours because of the residential area near the building. Mr. Gleason noted that there was one motion sensor on the garage. It was added that there was a 6' high fence on the south side of the property. The Commission had no further questions or comments.

*Mr. Manes moved to approve application #78-15C. Mr. Winter seconded and the motion carried unanimously.*

**5.B.2. Rewrite of Zoning Regulations**

Mrs. Hayes noted that she heard back from Attorney Zizka about completing a strategic review of the new regulations. She read the response to the Commission.

Mr. Manes asked about the cost for reviewing the document in depth. Mrs. Hayes noted that she did not know.

It was decided that Mrs. Hayes, Mr. Glenn Chalder, Mr. Bruce Adams and Attorney Zizka should have a conference call about this review and have Mrs. Hayes report back to the Commission after this call.

---

**TOWN OF KENT PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES FOR DECEMBER 10, 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.

## **6. NEW BUSINESS:**

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

No action taken.

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

#### **6.B.1. Application #86-15C, Eric and Marleen Donnenfeld, 39 Spectacle Ridge Road, additions to existing house located in Horizonline, Map 16 Block 25 Lot 24.**

Ralph Mackin, Architect, was present for the application. He noted that the property was located on South Spectacle Lake. They would like to add a gable roof on the back deck as well as on the screened porch. They would also like to change the siding to cedar. The lighting is to remain but additional lighting would be dark sky compliant and low light and down. A garage is also proposed. It faces the cliff side. It would be sided with stone to look like a carriage house.

Mrs. Hayes asked if any tree cutting was proposed and Mr. Mackin noted that there would not be any tree cutting.

Mr. Manes added that the road was about 50 feet above the house.

Mr. Wyrick asked if you could see this house from Segar Mtn. Road. Mr. Mackin added that you could see it from Richards Road.

Mr. Winter stated that he would like to see an inset plan on all applications so he can see where the lot is in relation to existing roads.

Mr. Wyrick asked if the horizonline zone on this lot was based on the view from Segar Mtn. Road or Richards Road. Mr. Cherniske noted that it could be either.

The Commission had no further questions or comments.

*Mr. Winter moved to approve application #86-15C. Mr. Manes seconded and the motion carried unanimously.*

#### **6.B.2. Modification to site plan application #15-13C, David Birnbaum, 33 Camps Road, new farmhouse brewery barn, modification to include installation of 7' x 3' concrete pad to house H2O cartridges, Map 17 Block 28 Lot 30.**

Mr. Johnson recused himself from this application. Barry Labenz was present for the application. He explained that they would like to construction a small concrete pad to hold a CO2 bulk tank. Instead of receiving weekly deliveries of CO2, this would change to monthly deliveries from a small propane-like truck.

Mrs. Hayes noted that the applicant did receive Torrington Area Health Department approval, but they are instructed not to go beyond the west side of the building.

Mr. Winter questioned the visual appearance of the tank because that was a concern for the neighbors in the original application. Mr. Wyrick noted that it was a farm. Mr. Manes stated that a stockade fence in front of it

---

## **TOWN OF KENT PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES FOR DECEMBER 10, 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.

might be helpful. Mr. Cherniske noted that it was not out of the ordinary to see propane tanks on residential properties throughout the town. The Commission agreed with Mr. Cherniske.

Mr. Manes noted that it was decreasing traffic and that was a positive point.

*Mr. Wyrick moved to approve the modification to application #15-13C. Mr. Manes seconded and the motion carried unanimously.*

- 6.B.3.** Application #90-15C, Shannon Strong for Cynthia Gustafson, 21 Bridge Street, change of use from car sales, repair, apartment, retail and contractor's office to car sales, repair, apartment, retail, contractor's office and personal service establishment, Map 19 Block 13 Lot 10.

Mr. Cherniske recused himself from the application. Mr. Johnson returned to the meeting. Shannon Strong was present for the application. Mrs. Hayes stated that the application was to include a personal service establishment. Ms. Strong stated that her services were senior level personal training during the hours of 7:30 a.m. to 10 a.m. and possibly a 6:00 p.m. class. Her hours would not compete with Guy Mauri's business. She would use the space allotted to her while Mr. Mauri's business was closed.

Mrs. Hayes asked if Ms. Strong would require equipment and Ms. Strong noted that it was equipment similar to medicine balls, dumbbells, etc. They would be kept in a storage area that Mr. Mauri would allow her to use.

The Commission then discussed parking. They were not concerned with this individual application because the use was minor and it was to occur during off hours, but they were concerned that there was not a professional plan showing the parking on site for all the businesses. The Commission agreed that if a future use is proposed they must review the parking more in depth. It was added that with the space Ms. Strong was to utilize, by the regulations, she would require 3 parking spaces. The Commission was no further questions or comments.

*Mr. Winter moved to approve the waiver requests for sections 4.3.3, 4.3.7, 4.3.8, 4.3.9, 4.3.10, 4.3.11, 4.3.12, and 4.3.13. Mr. Wyrick seconded and the motion carried unanimously.*

*Mr. Winter moved to approve application #90-15C. Mr. Wyrick seconded and the motion carried unanimously.*

- 6.B.4.** Lot Line Revision between 3 Maple Street LLC, 3 Maple Street (Map 19 Block 42 Lot 33) and Kent Center LLC, 9 Maple Street (Map 19 Block 42 Lot 35).

Mr. Cherniske and Mr. Wyrick recused themselves. Ms. McAndrew was elevated to voting status.

Mr. Szymanski, Professional Engineer, was present for the lot line revision. He explained that the revision was to rid the non-conformities of the lot. The non-conformities included that rear setback for 3 Maple Street, the north side setback for 3 Maple Street and the south side setback for 4 North Main Street.

The Commissioners were concerned about the alternative signage program for the B. Johnstone building. Mr. Szymanski noted that they would address that issue prior to filing the map on the land records.

*Mr. Winter moved to approve the lot line revision for 3 Maple Street and 9 Maple Street. Mr. Manes seconded and the motion carried unanimously.*

- 6.B.5.** Application #91-15C, Vincent Roberti and Bronwyn Hamill, 1 Bridge Street, change of use, Map 19 Block 13 Lot 1.

---

TOWN OF KENT PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES FOR DECEMBER 10, 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.

Mr. Cherniske recused himself from this application. Mr. Wyrick returned to the meeting. Mr. Roberti was present for the application. The application is to allow 2 apartments in the carriage house on the property. The main house would be a single family dwelling housing Mr. Roberti's family. He explained the changes to the carriage house that the Architectural Review Board had already approved.

Mrs. Hayes noted that she had a hard time fitting the proposal into the existing regulations. After some discussion, it was noted that it could fall under section 8.3.1.

After realizing that the main house's use is currently commercial on the first floor and residential on the second floor, the current application was changed to include a use change from commercial-first floor to residential-first floor on the main house and commercial to 2 apartments in the carriage house. The Commission felt that this change fit under section 8.3.1 and did not have any further questions or comments.

*Mr. Winter moved to approve application 91-15C with the changes stated above. Ms. Casey seconded and the motion carried unanimously.*

#### **6.B.6. Possible revisions to Section 5 of the Subdivision Regulations.**

Mrs. Hayes noted that she included these revisions for the Commission to review and they would be reviewed again at the next meeting regarding the regulation changes.

#### **6.B.7. Approval of Town of Kent, Planning and Zoning Commission By-Laws.**

There were no changes.

*Mr. Winter moved to approve the By-Laws as is. Mr. Manes seconded and the motion carried unanimously.*

#### **6.B.8. Election of Officers**

*Mr. Wyrick made a motion for the officers to remain as is; Mr. Johnson as Chairman, Mr. Winter as Vice-Chairman and Secretary and Mr. Manes as Treasurer. Ms. Hicks seconded and the motion carried unanimously.*

### **7. STAFF REPORT:**

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

Mrs. Hayes explained that Attorney Zizka sent a letter to the property owners on November 30<sup>th</sup> and gave them until December 11<sup>th</sup> to remove the vehicles or the Commission may pursue court action.

After some discussion on whether the Commission should give the property owner a little more time, Mr. Johnson and Mr. Manes leaning more towards that side and filing a court order, Mr. Wyrick leaning to that side, it was decided that Mrs. Hayes should call the property owner and tell him that the attorney would be filing a court order and that he could still hurriedly remove the vehicles.

*Mr. Manes made a motion to order Mrs. Hayes to contact Attorney Zizka and have him file a lawsuit against the violators. Mr. Wyrick seconded and the motion carried unanimously.*

---

#### **TOWN OF KENT PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES FOR DECEMBER 10, 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.



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

### **8.A. Incentive Housing Zone Study Subcommittee**

Mrs. Hayes explained that there was a meeting tonight regarding the drainage problem on site. They reviewed the plans tonight and opening up the access from the town hall area to Maple Street. No decisions were made and they would meet again soon. They also discussed an incentive housing overlay zone for all undeveloped properties in the Village. The Commission discussed how incentive housing was tied directly to affordable housing.

## **9. OTHER COMMUNICATIONS AND CORRESPONDENCE:**

### **9.A. Administrative Permits and Certificates of Compliance**

The Commission received this document.

### **9.B. Five Year Capital Plan**

The Commission discussed the POCD rewrite scheduled for 2018/2019, 2019/2020, 2020/2021 and the regulation rewrite scheduled for 2021/2022. Ms. Hicks left the meeting at this time.

After much discussion, it was noted that the regulation rewrite should be changed from \$25,000 to \$35,000.

### **9.C. Financials: July through October, 2015.**

The Commission received this document.

### **9.D. Planning & Zoning Commission Annual Report for Fiscal Year 2014/2015**

The Commission received this document and had no comments.

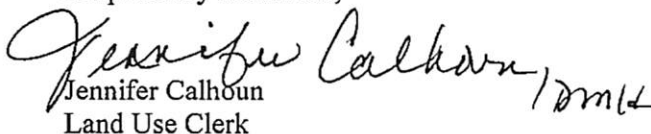
### **9.E. Ethics, Accountability and Conflicts of Interest, January 21, 2016.**

The Commission received this document.

## **10. ADJOURNMENT**

*Mr. Winter moved to adjourn the meeting at 9:03 p.m. Mr. Manes seconded and the motion carried unanimously.*

Respectfully submitted,

  
Jennifer Calhoun  
Land Use Clerk

RECEIVED FOR RECORD  
KENT TOWN CLERK

2015 DEC 14 A 11:44

BY  TOWN CLERK

---

## **TOWN OF KENT PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES FOR DECEMBER 10, 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.