

**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

**AUGUST 9, 2018 REGULAR MEETING MINUTES**

The Town of Kent Planning and Zoning Commission held a regular meeting on Thursday, August 9, 2018 at 7:00 p.m. in the Kent Town Hall.

**1. CALL TO ORDER**

Chairman Johnson called the meeting to order at 7:05 p.m.

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

Commissioners Present: John Johnson, Karen Casey, Anne McAndrew, Alice Hicks,  
Matt Winter, Marc Weingarten, Rich Chavka, Darrell Cherniske

Staff Present: Donna Hayes, Land Use Administrator and Tai Kern, Land Use Clerk

Anne McAndrew and Rich Chavka were elevated to voting statues.

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

3.A. Regular Meeting Minutes of July 12, 2018.

*Mr. Winter moved to approve the Regular Meeting Minutes of July 12, 2018. Mr. Cherniske seconded and the motion carried unanimously.*

**4. PUBLIC COMMUNICATIONS (ORAL):** No action taken.

**5. OLD BUSINESS:**

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

5.A.1. Application #'s 54-18SP, 55-18C and 56-18F, Joseph Wolinski for The Kent School, construction of security devices and guardhouse with associated site improvements, 1 Macedonia Road, Map 4 Block 10 Lot 1.

Darrell Cherniske recused himself.

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**REGULAR MEETING MINUTES FOR AUGUST 9, 2018**

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Joe Wolinski reported that he met with the EMS team regarding this proposal and the plan in case of an emergency. The gates will go up automatically should the alarms sound.

*Mr. Winter moved to close public hearing for application #s 54-18SP, 55-18C and 56-18F, Joseph Wolinski for The Kent School, construction of security devices and guardhouse with associated site improvements, 1 Macedonia Road, Map 4 Block 10 Lot 1. Mr. Weingarten seconded and the motion carried unanimously.*

*Mr. Weingarten moved to approve and read the following resolution in the record:*

*RESOLVED: That the Kent Planning and Zoning Commission approve with conditions the applicant's Application #'s 54-18SP, 55-18C and 56-18F, Joseph Wolinski for The Kent School, construction of security devices and guardhouse with associated site improvements, 1 Macedonia Road, Map 4 Block 10 Lot 1.*

*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 at the public hearing and in the following documents:*
  - A. Special Permit Application submitted by Joseph Wolinski and dated June 20, 2018.*
  - B. Site Plan Application submitted by Joseph Wolinski and dated June 20, 2018.*
  - C. Floodplain Permit Application submitted by Joseph Wolinski and dated June 20, 2018.*
  - D. Layout Plan Showing Proposed Secure Driveway Access, Sheet L-1, created by Spath-Bjorklund Associates, Inc., and dated revised to June 20, 2018.*
  - E. Site Plan Showing Proposed Guardhouse, Sheet S-1, created by Spath-Bjorklund Associates, Inc., and dated revised to June 20, 2018.*
  - F. Site Plan Showing Proposed Keycard Entry Gate, Sheet S-2, created by Spath-Bjorklund Associates, Inc. and dated revised to June 20, 2018.*
  - G. Site Plan Showing Proposed Keycard Entry Gate, Sheet S-3, created by Spath-Bjorklund, Inc., and dated revised to June 20, 2018.*
  - H. Details, Sheet D-1, created by Spath-Bjorklund, Inc., and dated revised to June 20, 2018*
  - I. Plans, Elevations and Typical Wall Section, Drawing #A101, created by The SLAM Collaborative, and dated June 15, 2018.*
  - J. Kent School: Guard-house, architectural renderings of the design, marked "received 7/12/18 DMH".*
- 2. That all keycard entry gates will open automatically and remain open during emergency situations.*

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3. *That the keycard entry gate at the entrance to the area of the hockey rink (see Sheet S-3) will remain open during hockey games and/or special events in order to prevent a traffic backup onto Macedonia Road (AKA Route 341).*
4. *That any exterior lighting on the guardhouse will be downward facing in nature and will be turned off by 11:00 p.m.*
5. *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.*
6. *That 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.*

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*In granting the above special permit application, the Commission states on its record that, in the Commission's judgment, the proposed project as conditioned and limited by this motion 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 27th day of August, 2018.*

*Mr. Winter seconded and the motion carried unanimously.*

Darrell Cherniske was reseated.

*Mr. Weingarten moved to address agenda item 6.B.1 next. Mr. Winter seconded and the motion carried unanimously.*

- 6.B.1.** Application #72-18C, Drew Taraian, 213 Macedonia Road, construction of single family home, driveway, septic, well, three car detached garage and associated site work, Map 3 Block 4 Lot 2.

Donna Hayes reported that 95 percent of the property is within the horizon line protection zone. She shared photos of the trees to be removed. It was reported that all the trees are approximately 6 to 7 inches in diameter.

Drew Taraian, Owner, and Mike Carlson, Builder, came forward and described a plan to build a single-story log cabin. He explained that he would like to build an 864 square foot three-car garage as well and amended the application accordingly. Mr. Taraian noted the locations of the trees to be removed on the plan. The building was placed as low on the property without encroaching on the wetlands setback.

It was noted that the driveway will go along an existing log road. It is unknown how many trees will be removed for the septic; however, it was confirmed they are all small saplings. Mr. Taraian agreed to supply the exact distance the driveway is from the property line. He advised it is at least 10 feet from the property

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line and less than a 15 percent grade. Mr. Taraian confirmed that the underground utilities will follow the left side of the driveway and there will be no additional clearing for that reason.

Mr. Carlson shared drawings of the buildings and it was noted that the only exterior lighting will be a front and back porch light. Donna Hayes reported that she has already walked this site and is comfortable with this proposal.

*Mr. Winter moved to approve application #72-18C, Drew Taraian, 213 Macedonia Road, construction of single family home, driveway, septic, well, detached three car garage and associated site work, Map 3 Block 4 Lot 2 provided that there will be no downward lighting and no trees larger than 24 inches shall be cut without a modified site plan. Daryl Cherniske seconded and the motion carried unanimously.*

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

Darrell Cherniske recused himself.

- 5.B.1.** Applications #23-18C and #24-18SP, High Watch Recovery Center, Inc. 54 Carter Road, Map 14 Block 22 Lot 6 and 62 Carter Road, Map 14 Block 22 Lot 7, Construction of two-story addition (including offices, 218-seat lecture hall and 12-bed detoxification wing) to existing administrative and clinical office building at 62 Carter Road; single story addition and kitchen expansion to dining hall at 62 Carter Road; addition of detoxification service at 62 Carter Road; increase total residential in-patient bed count from 78 to 90 at 62 Carter Road; conduct therapeutic activities associated with the treatment of drug and alcohol addiction at 54 Carter Road; construct driveway entrance, parking area, retaining wall and storm water detention basin at 54 Carter Road; construct new septic system on Carter Road parcel; and associated site work on all three parcels.

John Johnson reported that he listened to the audio and reviewed the minutes of the last meeting as he was absent at the last meeting. He noted that a draft motion has been prepared by Donna Hayes and suggested that the Commission review this document by line.

It was reported that the site plans (F through R) requested at the last meeting had not yet been provided. Donna Hayes requested a complete set of new plans showing all of the updates. Additionally, she reminded the group that an as-built showing the current conditions of the site as it is now had been requested during public hearing. Matt Winter cautioned that the Engineer should properly date the plans noting the date the changes were agreed upon.

Donna Hayes requested that the two new speakers for the PA system be added to the plan; thereby, showing both the new and old speakers. John Johnson recommended that a condition of approval be added with regard to the applicant's testimony that the PA system is being phased out.

Two parking spaces for emergency personnel was agreed upon by the applicant at public hearing. The Commission requested that the site plan be updated to show two spaces instead of the one that was currently being shown.

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The group discussed specific accessory uses and suggested noting that they have been identified under number 14 of the conditions. It was agreed that the safety provisions for the detox facility as described in public hearing by the applicant should be added as a condition of approval.

Karen Casey and Alice Hicks noted they are uncomfortable with using any comparison with regard to Birch Hill in reviewing and approving this application. The Commission agreed that a clean Draft Resolution of Approval will be presented at the next meeting for review by the Commission.

The group discussed security and agreed that they would have to review the records to determine what was represented with regarded security. The Commission will then discuss whether they consider this to be sufficient.

The group discussed the use of Lecture Hall and agreed it should be limited as to not cause undue traffic into the neighborhood. The capacity should be limited by the existing parking on site.

The Commission considered whether “therapeutic activity” should be defined and specified. It was agreed that the use of what is currently known as 54 Carter Road should be accessory to the approved use and shall not be used for residential purposes.

The group determined that there is an understanding of how emergency services are going to be provided. However, John Johnson reminded the Commission that there has been conflicting testimony from the emergency service personnel with regard to the impact of this proposal. It was agreed that the Town Attorney should be consulted regarding where the Planning & Zoning Commission’s authority ends with regard to the health and safety of the community.

A condition was added that it shall be evidenced to the satisfaction of the Commission that the H20 septic tanks will withstand the loads of the fire trucks.

John Johnson discussed the doubling of the existing facility, impact on the neighborhood and concept of creep. He explained that he does not have a good idea of what will be the end plan for High Watch. He feels that the Town was misled regarding the equine therapy project, renovation to the barn and the ropes course that was installed without any permits. He questioned whether the representations can be trusted and that what is being proposed is not a Trojan Horse. There has been a lot of cavalier attitude shown by the applicant.

Matt Winter noted that they have testified that the increase in facility by factor of one hundred is to suit their current needs. However, he is unsure whether the Commission can look at anything other than the application before them. The Commission requested input from the Town Attorney regarding this matter.

Alice Hicks noted that the health and safety of the community is a large part of the Commission’s charge and there is no way to be sure that something like this is not going impact on the citizens of Kent.

Karen Casey discussed the environment of the neighborhood. They started as a much smaller organization, but now this is a very different proposal than what had pre-existed and it is unknown what is to come. Marc Weingarten noted that if a brand new facility of this size was proposed in this residential neighborhood he might guess that the Commission would deny this proposal.

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*Mr. Winter moved to continue Applications #23-18C and #24-18SP to next meeting of the P&Z Commission. The motion was seconded by Mr. Weingarten and carried unanimously.*

**5.B.2. Approval of Town of Kent Planning & Zoning Commission By-Laws**

*Ms. Casey moved to continue Approval of Town of Kent Planning & Zoning Commission By-Laws to the next meeting of the P&Z Commission. The motion was seconded by Mr. Weingarten and carried unanimously.*

**6. NEW BUSINESS:**

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

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

**6.B.2.** Discussion about revisions to the June 1, 1995 Subdivision Regulations.

*Mr. Winter moved to continue Discussion about revisions to the June 1, 1995 Subdivision Regulations. The motion was seconded by Mr. Weingarten and carried unanimously.*

**6.B.3.** Scheduling of an informational meeting with Kent Volunteer Fire Department

It was determined that the scheduling of this meeting would be a good way for the Commission to actually understand the functionality of the Department. A meeting will be scheduled after a decision has been rendered on the High Watch application currently before the Commission.

**7. STAFF REPORT:** N/A

**8. REPORT OF OFFICERS AND COMMITTEES:** No action taken.

**9. OTHER COMMUNICATIONS AND CORRESPONDENCE:**

**9.A.** Administrative Permits and Certificates of Compliance – confirmed received

**9.B.** Monthly Financials – July 2017 to June 2018 - confirmed received

**9.C.** *Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter*, Summer 2018. - confirmed received

**10. Executive Session. Pending Litigation: High Watch Recovery Center, Inc., v. Kent Planning and Zoning Commission; Birch Hill Recovery Center, LLC; Kent Realty, LLC in Litchfield Superior Court. Discussion of strategy and negotiations with legal counsel.**

*Mr. Weingarten moved to enter into executive session at 10:00 p.m. Ms. Casey seconded and the motion carried unanimously.*

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*Mr. Weingarten moved to exit executive session at 10:08 p.m. Mr. Winter seconded and the motion carried unanimously.*

11. Open session involving discussion and possible action on Pending Litigation: High Watch Recovery Center, Inc., v Kent Planning and Zoning Commission; Birch Hill Recovery Center, LLC; Kent Realty, LLC.

No action taken

## 12. ADJOURNMENT

*Mr. Winter moved to adjourn at 10:15 p.m. Ms. Hicks seconded and the motion carried unanimously.*

Respectfully submitted,

Tai Kern

Tai Kern,  
Land Use Clerk

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