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TOWN OF KENT

PLANNING AND ZONING COMMISSION

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OCTOBER 11, 2018 REGULAR MEETING MINUTES

The Town of Kent Planning and Zoning Commission held a regular meeting on Thursday, **October 11, 2018 at 7:00 p.m.** in the Kent Town Hall.

1. CALL TO ORDER

Acting Chairman Winter called the meeting to order at 7:02 p.m.

2. ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED

Commissioners Present: Karen Casey, Anne McAndrew, Alice Hicks, Matt Winter, Darrell Cherniske, Wes Wyrick, Rich Chavka

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

Alternates Anne McAndrew and Rich Chavka were elevated to voting status.

3. READING AND APPROVAL OF MINUTES:

3.A. Regular Meeting Minutes of September 13, 2018.

Mr. Cherniske moved to approve the Regular Meeting Minutes of September 13, 2018. Ms. Hicks seconded and the motion carried unanimously.

Mr. Wyrick moved to add agenda item 3.B. Special Meeting Minutes of September 6, 2018 to the agenda. Mr. Cherniske seconded and the motion carried unanimously.

3.B. Special Meeting Minutes of September 6, 2018.

The Commission agreed to strike the words "and determined by the KVFD" from the last paragraph on page two of the minutes.

Mr. Cherniske moved to approve the Special Meeting Minutes of September 6, 2018 as amended. Ms. Hicks seconded and the motion carried unanimously.

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

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5. OLD BUSINESS:

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

5.B.1. DISCUSSION AND POSSIBLE DECISION

5.B.1. Application #81-18C, Mark G. Smith, P.E. for MKN Property Holdings, LLC, 5 South Main Street, addition, new pumps and tanks, Map 19 Block 12 Lot 5.

There was no one present as a representative for this application.

Mr. Wyrick moved to continue application #81-18C, Mark G. Smith, P.E. for MKN Property Holdings, LLC, 5 South Main Street, addition, new pumps and tanks, Map 19 Block 12 Lot 5. The motion was seconded by Mr. Cherniske and carried unanimously.

5.B.2. Scheduling of an informational meeting with Kent Volunteer Fire Department. - No action taken.

6. NEW BUSINESS:

Karen Casey was seated at 7:08 p.m.

Darrell Cherniske and Rich Chavka recused themselves.

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

6.A.1. Application #'s 91-18C and 92-18SP, The South Kent School, 0 Bulls Bridge Road, installation of scoreboard and concrete slab for covered benches, Map 6 Block 38 Lot 2.

Acting Chair Winter opened the public hearing at 7:09 p.m. and read the legal notice of the public hearing aloud. Donna Hayes reviewed the application that was submitted.

Acting Chair Winter looked for comments from the public and Commission. It was questioned whether there would be advertising on the scoreboard. Owen Finberg came forward as a representative of South Kent School and noted that the rendering submitted for the record is a true depiction of what the scoreboard will look like. The scoreboard will not include any advertising.

Mr. Wyrick moved to close the public hearing for application #'s 91-18C and 92-18SP, The South Kent School, 0 Bulls Bridge Road, installation of scoreboard and concrete slab for covered benches, Map 6 Block 38 Lot 2. The motion was seconded by Ms. Casey and carried unanimously.

Mr. Wyrick moved to accept the request for waivers for application #'s 91-18C and 92-18SP, The South Kent School, 0 Bulls Bridge Road, installation of scoreboard and concrete slab for covered benches, Map 6 Block 38 Lot 2. The motion was seconded by Ms. Casey and carried unanimously.

Mr. Wyrick moved to approve application #'s 91-18C and 92-18SP, The South Kent School, 0 Bulls Bridge

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Road, installation of scoreboard and concrete slab for covered benches, Map 6 Block 38 Lot 2. The motion was seconded by Ms. Casey and carried unanimously.

Rich Chavka was reseated.

6.B. DISCUSSION AND POSSIBLE DECISION

6.B.1. Pre-application discussion, High Watch Recovery Center, Inc., 62 Carter Road, alterations and additions to existing structures.

Jerry Schwab came forward with Marco Constantine of Silver Petrucelli, Mike Doherty from Milone & MacBroom. Derek Tranzillo, Vinny Roberti, and Jason Perillo of High Watch were also present. Mr. Schwab explained that they separately need to move forward with this plan; however, they cannot shrink the building down. They have designed some proposals for screening to minimize the impact of the proposal.

Marco Constantine of Silver Petrucelli reviewed a plan and rendering with screening from the road. The site plan would otherwise remain as it was presented for the previous application. Mike Doherty, Landscape Architect from Milone & MacBroom, distributed and reviewed a conceptual entry screening plan with the Commission. He reviewed a variety of plants in a layered format that would be used to screen the proposal and create a cohesive landscape.

Jerry Schwab reviewed an idea for an alternate concept to shift the buildings. The lobby and lecture hall would be moved to the back of the site and attached it to the red barn. It was confirmed that there would be no square footage reduction. This would be a reconfiguration of the previous proposal on the site.

Acting Chair Winter read some of the objections to the previous application from the minutes of the last meeting in an effort to provide direction to the applicants regarding what should be addressed when returning with a formal plan and application. It was noted that it seems that biggest hurdle would be the size of the proposal in this residential area. Mr. Schwab explained that another option would be to move a portion of the program off site.

The Commission reiterated that the concerns noted with the previous application were that this was a big development, close to the road, that can alter the nature of the community, and strain emergency services.

Mr. Cheniske was reseated.

7. STAFF REPORT: No action taken.

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 for FY '18 – '19: July through August, 2018 - confirmed received

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9.C. NewsTimes Article – Town Talks About Bringing Back Rail Service - confirmed received

9.D. 2020 – 2024 Five Year Capital Plan Planning Request

Donna Hayes reported that the PoCD is on schedule to be funded for 2022. She suggested considering the funding of changes to the Subdivision Regulations in the future Capital Plan. The Commission agreed that there was no need for a Capital Request in 2024.

9.E. Republican-American Article – *Amendment received by Litchfield zoning board* - confirmed received

9.F. Connecticut General Assembly – Acts Effective October 1, 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. Wyrick moved to enter into executive session concerning 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 at 8:31 p.m. Ms. Casey seconded and the motion carried unanimously.

Mr. Casey moved to exit executive session concerning 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 at 852 p.m. Mr. Cherniske 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.

Ms. Casey moved to schedule a Special Meeting with Attorney Mike Zizka to discuss the proposed terms of withdrawal and also to discuss the possible need for his presence at certain meetings. Mr Wyrick seconded and the motion carried unanimously.

12. ADJOURNMENT

Mr. Wyrick moved to adjourn at 8:55 p.m. Mr. Cherniske seconded and the motion carried unanimously.

Respectfully submitted,

Tai Kern

Tai Kern,
Land Use Clerk

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