

**TOWN OF KENT
PLANNING AND ZONING COMMISSION**

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BY *Donna Hayes*
TOWN CLERK

APRIL 11, 2019 REGULAR MEETING MINUTES

The Town of Kent Planning and Zoning Commission held a regular meeting on Thursday, April 11, 2019 at 7:00 p.m. in the Kent Town Hall.

1. CALL TO ORDER

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

2. ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED

Commissioners Present: Wes Wyrick, Anne McAndrew, Adam Manes, Marc Weingarten,
Darrell Cherniske, John Johnson, Matt Winter, Alice Hicks

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

Alternate Anne McAndrew was elevated to voting status.

3. READING AND APPROVAL OF MINUTES:

3.A. Regular Meeting Minutes of March 14, 2019

A correction was made to the spelling of Alice "Bemand" on page 6.

Mr. Winter moved to approve the Regular Meeting Minutes of March 14, 2019 as amended. Mr. Cherniske seconded and the motion carried unanimously.

4. PUBLIC COMMUNICATIONS (ORAL): N/A

Mr. Winter moved to move to the top of the agenda item 6.B.4. The motion was seconded by Mr. Cherniske and carried unanimously.

6.B.4. Application #20-19A, Douglas E. Smalley for Kent Barns, LLC, 9 Maple Street, change of use from retail to art gallery, 7 Fulling Lane, Map 19 Block 42 Lot 35.

It was explained that this application is for a change of use from retail to an art gallery at 7 Fulling Lane. The parking requirements for an art gallery are less than for a retail establishment.

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Mr. Winter moved to add to the agenda Kenzie's Barns Fine Art

Mr. Winter moved to approve application #20-19A, Douglas E. Smalley for Kent Barns, LLC, 9 Maple Street, change of use from retail to art gallery, 7 Fulling Lane, Map 19 Block 42 Lot 35. Mr. Cherniske seconded and the motion carried unanimously.

Mr. Winter moved to add to the agenda 6.B.6 to agenda modification to site plan application #62-15C Kenzie's Barns Fine Art. #62-15C, Arthur H. Howland & Associates, P.C., for Kent Center, LLC, 9 Maple Street, Map 19 Block 42 Lot 35, modification to include new signage for Kenzie's Barns Fine Art at 7 Fulling Lane.

- 6.B.6.** Modification to site plan application #62-15C Arthur H. Howland & Associates, P.C., for Kent Center, LLC, 9 Maple Street, Map 19 Block 42 Lot 35, modification to include new signage for Kenzie's Barns Fine Art at 7 Fulling Lane.

Donna Hayes reported that the applicant has not submitted the size information required regarding this sign. The Commission agreed to accept the change subject to administrative approval.

Mr. Winter made a motion to accept Modification to site plan application #62-15C Kenzie's Barns Fine Art. #62-15C, Arthur H. Howland & Associates, P.C., for Kent Center, LLC, 9 Maple Street, Map 19 Block 42 Lot 35, modification to include new signage for Kenzie's Barns Fine Art at 7 Fulling Lane provided that the overall size meets the requirements of the alternative signage program. The motion was seconded by Wes Wyrick and carried unanimously.

5. OLD BUSINESS:

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

5.B. DISCUSSION AND POSSIBLE DECISION

- 5.B.1.** Scheduling of an informational meeting with Kent Volunteer Fire Department. -

The Commission decided to keep this on the agenda for the next regular meeting.

- 5.B.2.** Applications #106-18SP and 107-18C, by High Watch Recovery Center, Inc., for 54 Carter Road (Map 14 Block 22 Lot 6); 62 Carter Road (Map 14 Block 22 Lot 7); and the 15.48-acre unimproved parcel of land (Map 14/Block 21/Lot 23, Parcel I.D. #1486) abutting the northerly line of Carter Road and the southeasterly line of 47 Carter Road, for a special permit and site plan approval for the following: 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 in total residential in-patient bed count from 78 to 90 at 62 Carter Road; conducting therapeutic activities (including temporary housing of staff) associated with the treatment of drug and alcohol addiction at 54 Carter Road; constructing expanded

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landscaping/vegetative screening, driveway entrance, parking area, retaining wall and stormwater detention basin at 54 Carter Road and 62 Carter Road; constructing new septic system on Parcel I.D. #1486; and associated site work on all three parcels. (January 17, 2019)

Daryl Cherniske recused himself. Adam Manes was elevated to voting status.

An e-mail from member Karen Casey was read aloud regarding her absence tonight. **(See attached)**. The Commission determined that they would move forward in an effort to make a decision this evening.

Donna Hayes distributed the resolutions of approval and denial as reviewed by the Land Use Attorney.

Marc Weingarten noted that the Fire Chief expressed some concern at the last meeting and questioned whether it was taken into account that Birch Hill would open. Donna Hayes reminded the group that a condition of the approval for Birch Hill was that they would have two EMTs on staff. She questioned whether this is something the Commission would like to consider as a condition of approval for this application as well.

The group reviewed the Resolution of Approval and made minor changes. They discussed the agreement High Watch has with the private ambulance service and whether it should be a condition of approval. It was agreed that verbiage would be added to include this condition. However, it was determined that the requirement of EMTs would not be a condition as it had not been a representation by the applicant.

The group reviewed the Resolution of Denial. Matt Winter noted that he objects to the references to what the Commission would do. Alice Hicks agreed that this is a resolution and not a speculation and found the wording to be unacceptable. Adam Manes noted that the facility already exists and that only the items within the regulations should give reason for denial. Marc Weingarten objected to the use of the word “significantly” throughout the resolution. Alice Hicks noted that this resolution is addressing the hypothetical, aesthetics and soft touch of the regulations and was not in agreement. John Johnson reminded the group that the purpose of a Special Permit is to consider the subjective.

Mr. Weingarten moved to approve the following resolution for applications #106-18SP and 107-18C, by High Watch Recovery Center, Inc.

WHEREAS, Applications #106-18SP and 107-18C, were submitted to the Planning and Zoning Commission (Commission) by High Watch Recovery Center, Inc., for 54 Carter Road (Map 14 Block 22 Lot 6); 62 Carter Road (Map 14 Block 22 Lot 7); and the 15.48-acre unimproved parcel of land (Map 14/Block 21/Lot 23, Parcel I.D. #1486) abutting the northerly line of Carter Road and the southeasterly line of 47 Carter Road, for a special permit and site plan approval for the following: 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 in total residential in-patient bed count from 78 to 90 at 62 Carter Road; conducting therapeutic and related activities (including temporary housing of staff) associated with the treatment of drug and alcohol addiction at 54 Carter Road; constructing expanded landscaping/vegetative screening, driveway entrance, parking area, retaining wall and stormwater detention basin at 54 Carter Road and 62 Carter Road; constructing new septic system on Parcel I.D. #1486; and associated site work on all three parcels.

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WHEREAS, the Commission opened public hearings on both applications on December 13, 2018; continued the public hearings to January 10, 2019; and, with the permission of the applicant, continued the hearings again to February 14, 2019, and March 14, 2019.

WHEREAS, the Commission closed the public hearings on both applications on March 14, 2019.

WHEREAS, following the close of the public hearings, the Commission conducted deliberations on the applications on April 11, 2019.

WHEREAS, at the conclusion of deliberations, the Commission finds that the applications do not satisfy all of the relevant criteria for approval as submitted, but that they would satisfy those criteria if the following modifications, limitations and conditions are incorporated into an approval.

THEREFORE, BE IT RESOLVED, that upon a motion made by Mr. Weingarten and seconded by Mr. Winter, the Commission approves Applications #106-18SP and 107-18C subject to the following modifications, limitations and 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, this approval incorporates by reference all such factual representations as though expressly made conditions of this approval, except as may be modified by subsequent conditions of 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 #106-18SP, dated received November 20, 2018.
 - B. Exhibit A, Statement of Use by High Watch Recovery Center, Inc., undated.
 - C. A letter addressed to John Johnson, Chairman, from Jerry Schwab, President and Chief Executive Officer, dated November 19, 2018.
 - D. Site Plan application #107-18C, dated received November 20, 2018.
 - E. Exhibit A, Statement of Use by High Watch Recovery Center, Inc., undated.
 - F. A letter addressed to John Johnson, Chairman, from Jerry Schwab, President and Chief Executive Officer, dated November 19, 2018.
 - G. Cover Sheet, High Watch Recovery Center Office and Dining Hall Addition by Milone & MacBroom dated December 4, 2018 and revised to January 4, 2019.
 - H. Overall Site Plan by Milone & MacBroom, Sheet SP, dated December 4, 2018 and revised to March 7, 2019.
 - I. Site Plan – Existing Conditions by Milone & MacBroom, Sheet EX-1, dated December 4, 2018 and revised to March 7, 2019.
 - J. Site Plan – Layout by Milone & MacBroom, Sheet LA-1, dated December 4, 2018 and revised to March 7, 2019.
 - K. Site Plan – Landscaping by Milone & MacBroom, Sheet LN-1, dated December 4, 2018 and revised to March 14, 2019.
 - L. Site Plan – Landscaping – Front Entry Buffer by Milone & MacBroom, Sheet LN-2, dated December 4, 2018 and revised to January 4, 2019.
 - M. Site Plan – Grading by Milone & MacBroom, Sheet GR-1, dated December 4, 2018 and revised to March 7, 2019.

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- N. Site Plan – Utilities by Milone & MacBroom, Sheet UT-1, dated December 4, 2018 and revised to March 14, 2019.
- O. Site Plan – Sediment and Erosion Controls by Milone & MacBroom, Sheet SE-1, dated December 4, 2018 and revised to January 4, 2019.
- P. Sedimentation and Erosion Control Details and Specifications by Milone & MacBroom, Sheet SE-2, dated December 4, 2018 and revised to January 4, 2019.
- Q. Site Details by Milone & MacBroom, Sheet SD-1, dated December 4, 2018 and revised to January 4, 2019.
- R. Site Details by Milone & MacBroom, Sheet SD-2, dated December 4, 2018 and revised to January 4, 2019.
- S. Site Details by Milone & MacBroom, Sheet SD-3, dated December 4, 2018 and revised to March 7, 2019
- T. Site Details by Milone & MacBroom, Sheet SD-4, dated December 4, 2018 and revised to January 4, 2019
- U. Site Details by Milone & MacBroom, Sheet SD-5, dated December 4, 2018 and revised to March 7, 2019.
- V. Data Accumulation Plan Depicting Improvements, Sheet 1/4, by Stuart Somers Co., LLC, dated November 12, 2015.
- W. Data Accumulation Plan Depicting Improvements, Sheet 2/4, by Stuart Somers Co., LLC, dated November 12, 2015.
- X. Data Accumulation Plan Depicting Improvements, Sheet 3/4, by Stuart Somers Co., LLC, dated November 12, 2015.
- Y. Data Accumulation Plan Depicting Improvements, Sheet 4/4, by Stuart Somers Co., LLC, dated November 12, 2015.
- Z. Data Accumulation Plan Depicting Proposed Building Location, Sheet 1/1, by Stuart Somers Co., LLC, dated November 12, 2015.
- AA. Stormwater Drainage Catchment Areas by Milone & MacBroom, Sheet 1 of 1, dated January 4, 2019.
- BB. Traffic Evaluation by Milone & MacBroom, dated June 13, 2018.
- CC. Drainage Pipe Computations by Milone & MacBroom, dated January 4, 2019.
- DD. Letter from Milone & MacBroom, addressed to Donna M. Hayes, Land Use Administrator, dated March 7, 2019, with plans for the stormwater basin and retaining wall along with revised Stormwater Management Narrative.
- EE. Response to Anchor Engineering letter of December 12, 2018 by Ted Hart, P.E., Vice President, Director of Civil Engineering, Milone & MacBroom dated January 3, 2019.
- FF. Letter from Milone & MacBroom addressed to Donna M. Hayes, Land Use Administrator, dated January 23, 2019, with the following attachments: Post Construction Stormwater Management Inspection and Maintenance Procedures; CDS Inspection and Maintenance Guide; Eastern System-25 Year; Storm Sewer Inventory Report; Storm Sewer Tabulation; Hydraulic Grade Line Computations; DEEP Test Holes in Detention Basin Area; Snapshot of Stormwater Drainage Basin; and, Spec Sheet on Grasspave2 Porous Grass Paver system;
- GG. Security and Public Address System Site Plan, by Silver/Petrucelli + Associates, Sheet ES-2, dated August 22, 2018.
- HH. Letter from Anchor Engineering, addressed to Donna M. Hayes, Land Use Administrator, dated March 7, 2019.
- II. High Watch Recovery Center Answers to Kent P&Z Questions dated “received 1/4/19”.

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- JJ. Electrical Site Lighting Plan by Silver/Petrucelli + Associates, dated August 22, 2018 and revised to January 22, 2019, per Silver/Petrucelli + Associates at the March 14, 2019, Planning and Zoning meeting (with attachments).
 - KK. Floor Plans for Kitchen & Dining Additions, by Silver/Petrucelli + Associates, Sheet A101, dated October 31, 2018.
 - LL. Exterior Elevations for Kitchen & Dining Additions, by Silver/Petrucelli + Associates, Sheet A301, dated October 31, 2018.
 - MM. Exterior Elevations for Kitchen & Dining Additions, by Silver/Petrucelli + Associates, Sheet A302, dated October 31, 2018.
 - NN. Basement Floor Plan – Building C Part 1, by Silver/Petrucelli + Associates, Sheet A01, dated December 3, 2018.
 - OO. Lower Level Floor Plan – Overall, by Silver/Petrucelli + Associates, Sheet A02, dated December 3, 2018.
 - PP. Upper Level Floor Plan – Overall, by Silver/Petrucelli + Associates, Sheet A03, dated December 3, 2018.
 - QQ. Main/Attic Level – Overall, by Silver/Petrucelli + Associates, Sheet A04, dated December 3, 2018.
 - RR. Exterior Elevations – Overall, by Silver/Petrucelli + Associates, Sheet A05, dated December 3, 2018.
 - SS. Exterior Elevations – Partial, by Silver/Petrucelli + Associates, Sheet A06, dated December 3, 2018.
 - TT. Exterior Elevations – Partial, by Silver/Petrucelli + Associates, Sheet A07, dated December 3, 2018.
 - UU. Exterior Elevations – Partial, by Silver/Petrucelli + Associates, Sheet A08, dated December 3, 2018.
 - VV. Exterior Elevations – Partial, by Silver/Petrucelli + Associates, Sheet A09, dated December 3, 2018.
2. 54 Carter Road, Map 14 Block 22 Lot 6, shall be merged with 62 Carter Road, Map 14 Block 22 Lot 7 prior to the issuance of any Zoning Permit for the uses approved in this special permit.
 3. The facility at 62 Carter Road shall comprise no more than 90 licensed residential treatment beds, and no more than 12 of those beds shall be used for detoxification services.
 4. The permitted use shall be limited to a convalescent home for the treatment of substance abuse in clients 18 years of age or older, together with such accessory uses as have been specifically mentioned in this special permit and identified herein.
 5. The applicant and its successors and assigns, both as the owner(s) of the property and as the entity or entities conducting the permitted uses, shall be responsible for ensuring that persons using the facility do not trespass on abutting or adjoining properties.
 6. In the event any client of the permitted uses is absent without leave, the applicant or its successors or assigns must immediately provide notice to the Connecticut State Police and the Kent First Selectman.
 7. In accordance with the representations made by the applicant, an American Society of Addiction Medicine (ASAM) Level 3.7 rating shall be maintained at all times.

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8. In accordance with the representations made by the applicant, no clients shall be accepted who are under the jurisdiction or custody of the Department of Corrections or whose attendance at a detoxification facility was mandated by an order of a state or federal court.
9. In accordance with the representations made by the applicant, no client will be accepted into the detoxification program who will not be going into the residential treatment program.
10. With the exception of the pre-existing AA meetings, Saturday night dinners and continuum of care programs, no other outpatient services will be provided.
11. In accordance with the representations made by the applicant, a minimum of two (2) milieu staff shall be on site at all times (i.e., 24 hours per day, seven days per week, 365 days per year).
12. In accordance with representations made by the applicant, the detox unit will remain separate from the rehabilitation facilities and secure against unauthorized entry or exit.
13. Upon departure of any patient, except in cases defined by item 6 above and whether they completed the program or not, transportation to a location pre-determined by the patient's case manager will be provided by the applicant or its successors or assigns at all times (i.e., 24 hours per day, seven days per week, 365 days per year).
14. The new Lecture Hall shall not exceed 218 seats and shall be used only in conjunction with the treatment of clients at the facility and for the regularly scheduled Saturday night AA meetings.
15. The structure located on the property currently known as 54 Carter Road, Map 14 Block 22 Lot 6, shall not be used for residential purposes and shall be used only by residential clients of the permitted facility for programs associated with the principal use of the treatment of drug and alcohol addiction.
16. The hours of operation for the activities located at the property currently known as 54 Carter Road and set forth in condition #15 shall be 9 a.m. to sundown.
17. In accordance with the representations made by the applicant, admissions will take place between the hours of 8:00 a.m. and 6:30 p.m. and no patients shall be accepted on an emergency basis.
18. Within 10 months of operation and use of the new facility, a 7-day, 24-hour traffic study will be conducted on Carter Road and submitted to the Land Use.
19. The applicant or its successors or assigns shall notify the Land Use Office of the Town of Kent if and when there is any change to the Certificate of Need issued by the State of Connecticut Department of Public Health, Office of Health Strategy or any succeeding authorities having jurisdiction.
20. All required approvals from the State of Connecticut for the proposed uses, including but not necessarily limited to approvals from the Department of Public Health and the Department of

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Energy and Environmental Protection, must be obtained, and copies of such approval(s) submitted to the Land Use Office, before a Zoning Permit shall be issued. The applicant or its successors or assigns must also submit an affidavit signed by a duly authorized official of same, attesting under oath that the approvals so submitted represent all approvals required from the State of Connecticut to conduct the proposed uses.

21. All required approvals from the Torrington Area Health District for the proposed uses must be obtained, and copies of such approval(s) submitted to the Land Use Office, before a Zoning Permit shall be issued. The applicant or its successors or assigns must also submit an affidavit signed by a duly authorized official of same, attesting under oath that the approvals so submitted represent all approvals required from the Torrington Area Health District to conduct the proposed uses.
22. All required approvals from the Town of Kent Fire Marshal for the proposed uses must be obtained, and copies of such approval(s) submitted to the Land Use Office, before a Zoning Permit shall be issued. The applicant or its successors or assigns must also submit an affidavit signed by a duly authorized official of same, attesting under oath that the approvals so submitted represent all approvals required from the Town of Kent Fire Marshal to conduct the proposed uses.
23. A letter of agreement from the Kent Volunteer Fire Department with regard to the emergency access to the complex must be submitted to the Land Use Office prior to the issuance of a Zoning Permit.
24. Two (2) parking spaces shall be designated for use only by emergency responders (e.g., the Kent Volunteer Ambulance and Kent Volunteer Fire Department).
25. In accordance with representations by the applicant, a contract with a private ambulance service for non-911 calls shall be maintained.
26. The grass pavers proposed for installation between the “existing office building” and the “2-story TLC dorm building” shall be constructed and maintained in good, continuous working order to provide secure usage by the Kent Volunteer Fire Department.
27. A letter signed by a properly qualified professional engineer licensed to practice in the State of Connecticut, certifying that the septic tanks have been installed per the manufacturer’s specifications and that the septic tanks are capable of satisfying the weight requirements of the Kent Volunteer Fire Department’s equipment, must be submitted to the Land Use Office before a Certificate of Zoning Compliance shall be issued.
28. The public announcement system shall be used for emergency purposes only.
29. All landscaping shall be installed as depicted on Sheet LN-1 (Exhibit K) and Sheet LN-2 (Exhibit L) and shall be maintained in such a way as to guarantee the continuous screening of the new structures proposed in this application.
30. All state and federal licenses, permits, accreditations and standards applicable to the proposed uses must be acquired and maintained at all times.

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31. Any changes in the actual uses as represented during this application process shall require a modification of this Special Permit. The Commission does not, by this condition, guarantee that it will approve any such modification.
32. 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 shall be void and of no legal effect.
33. The violation of any of the conditions of this special permit approval may be grounds for revocation of the special permit pursuant to Section 10470.3 of the Zoning Regulations.

In granting the above special permit application, the Commission finds that the proposed project as conditioned, modified 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.

Mr. Winter seconded motion.

Discussion:

Wes Wyrick stated that he is in favor of an approval and wholeheartedly endorses what High Watch has done in the community. He; however, has issue with the size and its impact and feels the proposed conference building will impact the neighborhood. He would endorse the approval of the project without the conference building.

Marc Weingarten noted that there has been only one neighbor who has objected to the impact of this project on the rural nature of the neighborhood. He does wish High Watch had downsized their application; however, they have added a significant amount of screening. There has been no finding regarding an increase in traffic or diminished real estate values due to this proposal. High Watch does great work and this should be taken into account. He thinks the application should be approved.

Adam Manes explained that he feels High Watch is great; however, the sheer magnitude of the addition was an issue for him. The screening makes a big difference. There are other facilities like this in rural neighborhoods. He would vote to approve.

John Johnson discussed the location from the roadway for this proposal. The 12 foot retaining wall and all the buildings will be visible from the road. The screening will only work from up close. He noted that three members stated that they wish the proposal had been downsized. Mr. Johnson explained that just because High Watch came back to this Commission with the same site plan proposal, does not mean it needs to be approved and merely wished that it had been downsized.

Alice Hicks discussed the PoCD and Regulations with regard to the commitment to keep Kent rural. She reminded the group that there are five campuses in this town. She sees High Watch as just another campus in Kent. Recovery centers around the country are all in rural open space areas. She agrees it will be close

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to the road and big, but the style will be like their other buildings. She is in very much support of the project. Yes, it would be nicer if it were a little smaller, but she would not deny for that reason.

Anne McAndrew noted that she agrees with the members that the work that High Watch does is necessary. She thinks this proposal is big and too much for the neighborhood.

Matt Winter reminded the group he voted to approve the last time this application came before the Commission and not much has changed since that application. The emergency service concerns have been addressed, they are adding 12 beds along with the necessary employees. He considered the rural character of the community and does not see that this will make a change.

Chairman Johnson discussed Wes Wyrick's comment regarding striking the conference building from the plan. Mr. Wyrick noted that the grade modification due to that building and its location requiring the massive retaining wall is a concern. Mr. Johnson proposed that a size modification be made to the wall as a condition. Mr. Wyrick advised that he did not know if that was possible. Mr. Winter agreed that the face of the wall will be significant. Adam Manes noted that there is a lot of landscaping in front of that wall. John Johnson stated that he does not feel the landscaping will screen that wall. Wes Wyrick suggested that it would be helpful to add a condition that the concrete wall be covered with stone veneer or comparable material.

Mr. Weingarten modified his motion to include verbiage to require that the concrete wall be faced with a stone veneer or another material suitable to the Commission. Mr. Winter seconded this modification.

WHEREAS, Applications #106-18SP and 107-18C, were submitted to the Planning and Zoning Commission (Commission) by High Watch Recovery Center, Inc., for 54 Carter Road (Map 14 Block 22 Lot 6); 62 Carter Road (Map 14 Block 22 Lot 7); and the 15.48-acre unimproved parcel of land (Map 14/Block 21/Lot 23, Parcel I.D. #1486) abutting the northerly line of Carter Road and the southeasterly line of 47 Carter Road, for a special permit and site plan approval for the following: 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 in total residential in-patient bed count from 78 to 90 at 62 Carter Road; conducting therapeutic and related activities (including temporary housing of staff) associated with the treatment of drug and alcohol addiction at 54 Carter Road; constructing expanded landscaping/vegetative screening, driveway entrance, parking area, retaining wall and stormwater detention basin at 54 Carter Road and 62 Carter Road; constructing new septic system on Parcel I.D. #1486; and associated site work on all three parcels.

WHEREAS, the Commission opened public hearings on both applications on December 13, 2018; continued the public hearings to January 10, 2019; and, with the permission of the applicant, continued the hearings again to February 14, 2019, and March 14, 2019.

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THEREFORE, BE IT RESOLVED, that upon a motion made by Mr. Weingarten and seconded by Mr. Winter, the Commission approves Applications #106-18SP and 107-18C subject to the following modifications, limitations and 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, this approval incorporates by reference all such factual representations as though expressly made conditions of this approval, except as may be modified by subsequent conditions of this resolution. The applicant's factual representations include, but are not limited to, those made at the public hearing and in the following documents:
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 - M. Site Plan – Grading by Milone & MacBroom, Sheet GR-1, dated December 4, 2018 and revised to March 7, 2019.
 - N. Site Plan – Utilities by Milone & MacBroom, Sheet UT-1, dated December 4, 2018 and revised to March 14, 2019.
 - O. Site Plan – Sediment and Erosion Controls by Milone & MacBroom, Sheet SE-1, dated December 4, 2018 and revised to January 4, 2019.
 - P. Sedimentation and Erosion Control Details and Specifications by Milone & MacBroom, Sheet SE-2, dated December 4, 2018 and revised to January 4, 2019.
 - Q. Site Details by Milone & MacBroom, Sheet SD-1, dated December 4, 2018 and revised to January 4, 2019.

TOWN OF KENT PLANNING AND ZONING COMMISSION
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- R. Site Details by Milone & MacBroom, Sheet SD-2, dated December 4, 2018 and revised to January 4, 2019.
- S. Site Details by Milone & MacBroom, Sheet SD-3, dated December 4, 2018 and revised to March 7, 2019
- T. Site Details by Milone & MacBroom, Sheet SD-4, dated December 4, 2018 and revised to January 4, 2019
- U. Site Details by Milone & MacBroom, Sheet SD-5, dated December 4, 2018 and revised to March 7, 2019.
- V. Data Accumulation Plan Depicting Improvements, Sheet 1/4, by Stuart Somers Co., LLC, dated November 12, 2015.
- W. Data Accumulation Plan Depicting Improvements, Sheet 2/4, by Stuart Somers Co., LLC, dated November 12, 2015.
- X. Data Accumulation Plan Depicting Improvements, Sheet 3/4, by Stuart Somers Co., LLC, dated November 12, 2015.
- Y. Data Accumulation Plan Depicting Improvements, Sheet 4/4, by Stuart Somers Co., LLC, dated November 12, 2015.
- Z. Data Accumulation Plan Depicting Proposed Building Location, Sheet 1/1, by Stuart Somers Co., LLC, dated November 12, 2015.
- AA. Stormwater Drainage Catchment Areas by Milone & MacBroom, Sheet 1 of 1, dated January 4, 2019.
- BB. Traffic Evaluation by Milone & MacBroom, dated June 13, 2018.
- CC. Drainage Pipe Computations by Milone & MacBroom, dated January 4, 2019.
- DD. Letter from Milone & MacBroom, addressed to Donna M. Hayes, Land Use Administrator, dated March 7, 2019, with plans for the stormwater basin and retaining wall along with revised Stormwater Management Narrative.
- EE. Response to Anchor Engineering letter of December 12, 2018 by Ted Hart, P.E., Vice President, Director of Civil Engineering, Milone & MacBroom dated January 3, 2019.
- FF. Letter from Milone & MacBroom addressed to Donna M. Hayes, Land Use Administrator, dated January 23, 2019, with the following attachments: Post Construction Stormwater Management Inspection and Maintenance Procedures; CDS Inspection and Maintenance Guide; Eastern System-25 Year; Storm Sewer Inventory Report; Storm Sewer Tabulation; Hydraulic Grade Line Computations; DEEP Test Holes in Detention Basin Area; Snapshot of Stormwater Drainage Basin; and, Spec Sheet on Grasspave2 Porous Grass Paver system;
- GG. Security and Public Address System Site Plan, by Silver/Petrucelli + Associates, Sheet ES-2, dated August 22, 2018.
- HH. Letter from Anchor Engineering, addressed to Donna M. Hayes, Land Use Administrator, dated March 7, 2019.
- II. High Watch Recovery Center Answers to Kent P&Z Questions dated "received 1/4/19".
- JJ. Electrical Site Lighting Plan by Silver/Petrucelli + Associates, dated August 22, 2018 and revised to January 22, 2019, per Silver/Petrucelli + Associates at the March 14, 2019, Planning and Zoning meeting (with attachments).
- KK. Floor Plans for Kitchen & Dining Additions, by Silver/Petrucelli + Associates, Sheet A101, dated October 31, 2018.
- LL. Exterior Elevations for Kitchen & Dining Additions, by Silver/Petrucelli + Associates, Sheet A301, dated October 31, 2018.
- MM. Exterior Elevations for Kitchen & Dining Additions, by Silver/Petrucelli + Associates, Sheet A302, dated October 31, 2018.

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- NN. Basement Floor Plan – Building C Part 1, by Silver/Petrucelli + Associates, Sheet A01, dated December 3, 2018.
 - OO. Lower Level Floor Plan – Overall, by Silver/Petrucelli + Associates, Sheet A02, dated December 3, 2018.
 - PP. Upper Level Floor Plan – Overall, by Silver/Petrucelli + Associates, Sheet A03, dated December 3, 2018.
 - QQ. Main/Attic Level – Overall, by Silver/Petrucelli + Associates, Sheet A04, dated December 3, 2018.
 - RR. Exterior Elevations – Overall, by Silver/Petrucelli + Associates, Sheet A05, dated December 3, 2018.
 - SS. Exterior Elevations – Partial, by Silver/Petrucelli + Associates, Sheet A06, dated December 3, 2018.
 - TT. Exterior Elevations – Partial, by Silver/Petrucelli + Associates, Sheet A07, dated December 3, 2018.
 - UU. Exterior Elevations – Partial, by Silver/Petrucelli + Associates, Sheet A08, dated December 3, 2018.
 - VV. Exterior Elevations – Partial, by Silver/Petrucelli + Associates, Sheet A09, dated December 3, 2018.
2. 54 Carter Road, Map 14 Block 22 Lot 6, shall be merged with 62 Carter Road, Map 14 Block 22 Lot 7 prior to the issuance of any Zoning Permit for the uses approved in this special permit.
 3. The facility at 62 Carter Road shall comprise no more than 90 licensed residential treatment beds, and no more than 12 of those beds shall be used for detoxification services.
 4. The permitted use shall be limited to a convalescent home for the treatment of substance abuse in clients 18 years of age or older, together with such accessory uses as have been specifically mentioned in this special permit and identified herein.
 5. The applicant and its successors and assigns, both as the owner(s) of the property and as the entity or entities conducting the permitted uses, shall be responsible for ensuring that persons using the facility do not trespass on abutting or adjoining properties.
 6. In the event any client of the permitted uses is absent without leave, the applicant or its successors or assigns must immediately provide notice to the Connecticut State Police and the Kent First Selectman.
 7. In accordance with the representations made by the applicant, an American Society of Addiction Medicine (ASAM) Level 3.7 rating shall be maintained at all times.
 8. In accordance with the representations made by the applicant, no clients shall be accepted who are under the jurisdiction or custody of the Department of Corrections or whose attendance at a detoxification facility was mandated by an order of a state or federal court.
 9. In accordance with the representations made by the applicant, no client will be accepted into the detoxification program who will not be going into the residential treatment program.

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10. With the exception of the pre-existing AA meetings, Saturday night dinners and continuum of care programs, no other outpatient services will be provided.
11. In accordance with the representations made by the applicant, a minimum of two (2) milieu staff shall be on site at all times (i.e., 24 hours per day, seven days per week, 365 days per year).
12. In accordance with representations made by the applicant, the detox unit will remain separate from the rehabilitation facilities and secure against unauthorized entry or exit.
13. Upon departure of any patient, except in cases defined by item 6 above and whether they completed the program or not, transportation to a location pre-determined by the patient's case manager will be provided by the applicant or its successors or assigns at all times (i.e., 24 hours per day, seven days per week, 365 days per year).
14. The new Lecture Hall shall not exceed 218 seats and shall be used only in conjunction with the treatment of clients at the facility and for the regularly scheduled Saturday night AA meetings.
15. The structure located on the property currently known as 54 Carter Road, Map 14 Block 22 Lot 6, shall not be used for residential purposes and shall be used only by residential clients of the permitted facility for programs associated with the principal use of the treatment of drug and alcohol addiction.
16. The hours of operation for the activities located at the property currently known as 54 Carter Road and set forth in condition #15 shall be 9 a.m. to sundown.
17. In accordance with the representations made by the applicant, admissions will take place between the hours of 8:00 a.m. and 6:30 p.m. and no patients shall be accepted on an emergency basis.
18. Within 10 months of operation and use of the new facility, a 7-day, 24-hour traffic study will be conducted on Carter Road and submitted to the Land Use.
19. The applicant or its successors or assigns shall notify the Land Use Office of the Town of Kent if and when there is any change to the Certificate of Need issued by the State of Connecticut Department of Public Health, Office of Health Strategy or any succeeding authorities having jurisdiction.
20. All required approvals from the State of Connecticut for the proposed uses, including but not necessarily limited to approvals from the Department of Public Health and the Department of Energy and Environmental Protection, must be obtained, and copies of such approval(s) submitted to the Land Use Office, before a Zoning Permit shall be issued. The applicant or its successors or assigns must also submit an affidavit signed by a duly authorized official of same, attesting under oath that the approvals so submitted represent all approvals required from the State of Connecticut to conduct the proposed uses.
21. All required approvals from the Torrington Area Health District for the proposed uses must be obtained, and copies of such approval(s) submitted to the Land Use Office, before a Zoning

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Permit shall be issued. The applicant or its successors or assigns must also submit an affidavit signed by a duly authorized official of same, attesting under oath that the approvals so submitted represent all approvals required from the Torrington Area Health District to conduct the proposed uses.

22. All required approvals from the Town of Kent Fire Marshal for the proposed uses must be obtained, and copies of such approval(s) submitted to the Land Use Office, before a Zoning Permit shall be issued. The applicant or its successors or assigns must also submit an affidavit signed by a duly authorized official of same, attesting under oath that the approvals so submitted represent all approvals required from the Town of Kent Fire Marshal to conduct the proposed uses.
23. A letter of agreement from the Kent Volunteer Fire Department with regard to the emergency access to the complex must be submitted to the Land Use Office prior to the issuance of a Zoning Permit.
24. Two (2) parking spaces shall be designated for use only by emergency responders (e.g., the Kent Volunteer Ambulance and Kent Volunteer Fire Department).
25. In accordance with representations by the applicant, a contract with a private ambulance service for non-911 calls shall be maintained.
26. The grass pavers proposed for installation between the “existing office building” and the “2-story TLC dorm building” shall be constructed and maintained in good, continuous working order to provide secure usage by the Kent Volunteer Fire Department.
27. A letter signed by a properly qualified professional engineer licensed to practice in the State of Connecticut, certifying that the septic tanks have been installed per the manufacturer’s specifications and that the septic tanks are capable of satisfying the weight requirements of the Kent Volunteer Fire Department’s equipment, must be submitted to the Land Use Office before a Certificate of Zoning Compliance shall be issued.
28. The public announcement system shall be used for emergency purposes only.
29. All landscaping shall be installed as depicted on Sheet LN-1 (Exhibit K) and Sheet LN-2 (Exhibit L) and shall be maintained in such a way as to guarantee the continuous screening of the new structures proposed in this application.
30. The concrete wall between the lot now known as 54 Carter Road and 62 Carter Road that retains the proposed parking lot shall be faced with a stone veneer or another material acceptable to the Commission.
31. All state and federal licenses, permits, accreditations and standards applicable to the proposed uses must be acquired and maintained at all times.
32. Any changes in the actual uses as represented during this application process shall require a modification of this Special Permit. The Commission does not, by this condition, guarantee that it will approve any such modification.

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33. 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 shall be void and of no legal effect.
34. The violation of any of the conditions of this special permit approval may be grounds for revocation of the special permit pursuant to Section 10470.3 of the Zoning Regulations.
-

In granting the above special permit application, the Commission finds that the proposed project as conditioned, modified 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.

Motion approved 6-1. Johnson opposed.

Daryl Cherniske was reseated.

6. NEW BUSINESS:

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

6.B. DISCUSSION AND POSSIBLE DECISION

6.B.1. Approval of the Town of Kent 5-Year Capital Plan

Donna Hayes distributed and reviewed the Capital Plan with the members.

Mr. Winter moved to approve of the Town of Kent 5-Year Capital Plan. Mr. Weingarten seconded and the motion carried unanimously.

6.B.2. Application #21-19A, Andrew Craven of Craven Contemporary, LLC, for Kent Barns, LLC, 9 Maple Street, change of use from retail to art gallery, 4 Fulling Lane, Map 19 Block 42 Lot 35.

Mr. Weingarten moved to approve application #21-19A, Andrew Craven of Craven Contemporary, LLC, for Kent Barns, LLC, 9 Maple Street, change of use from retail to art gallery, 4 Fulling Lane, Map 19 Block 42 Lot 35. Mr. Cherniske seconded

Discussion: Winter noted that the parking requirements are less restrictive for an art gallery than a retail establishment.

The motion carried unanimously.

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- 6.B.3.** Modification to site plan application #62-15C, Arthur H. Howland & Associates, P.C., for Kent Center, LLC, 9 Maple Street, Map 19 Block 42 Lot 35, modification to include new signage for Andrew Craven Art Gallery at 4 Fulling Lane.

Donna Hayes noted that the proposed sign is the same size as what was previously there, but with different content.

Mr. Weingarten moved to approve modification to site plan application #62-15C, Arthur H. Howland & Associates, P.C., for Kent Center, LLC, 9 Maple Street, Map 19 Block 42 Lot 35, modification to include new signage for Andrew Craven Art Gallery at 4 Fulling Lane subject to administrative approval. Mr. Cherniske seconded and the motion carried unanimously.

- 6.B.4.** Application #20-19A, Douglas E. Smalley for Kent Barns, LLC, 9 Maple Street, change of use from retail to art gallery, 7 Fulling Lane, Map 19 Block 42 Lot 35.

Mr. Winter moved to approve application #20-19A, Douglas E. Smalley for Kent Barns, LLC, 9 Maple Street, change of use from retail to art gallery, 7 Fulling Lane, Map 19 Block 42 Lot 35. Mr. Weingarten seconded and the motion carried unanimously.

- 6.B.5.** Complaint regarding the “running of a commercial breeding business” at 9 Chase Hill Road, Map 9 Block 15 Lot 47.

Donna Hayes reported that she wrote a letter to the applicant as discussed at the last meeting. She read a letter of response by the property owner for the record indicating that he will be moving out of the state and his tenant will not be running a commercial business at this site. (See attached)

7. STAFF REPORT:

Donna Hayes reviewed the upcoming vacation schedule. She reported that the large format copier has been delivered and is awaiting set up. Mr. Weingarten volunteered to review the application fees and this will be placed on the agenda next month.

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

9. OTHER COMMUNICATIONS AND CORRESPONDENCE:

9.A. Administrative Permits and Certificates of Compliance

Confirmed received and reviewed.

9.B. Monthly Financials – July through February 2019.

Confirmed received and reviewed.

10. ADJOURNMENT

Mr. Wyrick moved to adjourn at 9:20 p.m. Mr. Winter seconded and the motion carried unanimously.

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Respectfully submitted,

Tai Kern

Tai Kern,
Land Use Clerk

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Donna Hayes <landuseadmin@townofkentct.org>

Regarding application for the special use permit

1 message

Nick Paproski <nickpaproski@gmail.com>

Mon, Apr 1, 2019 at 11:22 AM

To: landuseadmin@townofkentct.org

Donna,

Please be advised that after much thought and consultation with various advisors, I will not be applying to the Zoning Board for the special use permit, as my family and I will be moving out of the State of Connecticut effective 4/10/19. We have already secured a tenant to rent our house on Chase Hill road, who will be moving in on 4/15/19. The tenant is a single adult who has no pets and will not be operating any commercial ventures on the property.

--

Nicholas Paproski, LP



Tai Kern <landuseclerk@townofkentct.org>

Fwd: Tonight's meeting

1 message

Donna Hayes <landuseadmin@townofkentct.org>
To: Tai Kern <landuseclerk@townofkentct.org>

Fri, Apr 12, 2019 at 9:25 AM

*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*

----- Forwarded message -----

From: **Karen Casey** <kcasey@wpsir.com>

Date: Thu, Apr 11, 2019 at 5:32 PM

Subject: Tonight's meeting

To: <wyrickassociates@yahoo.com>, <chavkar@southkentschool.org>, <MWinter@androncc.com>, <marc.weingarten@srz.com>, <john.adele@charter.net>, Donna Hayes <landuseadmin@townofkentct.org>, <dcherniske@kentgreenhouse.com>, <info@bcoutfitters.com>, <alicebhicks@gmail.com>, <Adam@countrycaretaker.com>

Dear All

My apologies for my last minute notice but I will not be able to attend tonight's meeting.

I m pretty sick with flu and rest seems to be the secret to recovery.

My hope is we extend our decision to next month as I would like to have a voice and I am very concerned how the final approval of the former Kent building in town impacts this application. However,
I shall leave it in your good hands.

Best,

Karen

Sent from my iPhone

RECEIVED FOR RECORD
KENT TOWN CLERK
2019 APR 15 A 9:01
BY *S. Gray*
TOWN CLERK