

TOWN OF KENT
PLANNING AND ZONING COMMISSION
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RECEIVED FOR RECORD
KENT TOWN CLERK
2019 JUL 15 A 8:55
BY Karen Brady
TOWN CLERK

JULY 11, 2019 REGULAR MEETING MINUTES

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

1. CALL TO ORDER

Chairman Johnson called the meeting to order at 7:09 p.m.

2. ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED

Commissioners Present: Wes Wyrick, Adam Manes, Marc Weingarten, Karen Casey,
Rich Chavka John Johnson, Alice Hicks, Matt Winter

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

3. READING AND APPROVAL OF MINUTES:

3.A. Regular Meeting Minutes of June 13, 2019

It was noted Karen Casey should have been listed as present.

Ms. Casey moved to approve the Regular Meeting Minutes of June 13, 2019 as amended. Mr. Weingarten seconded and the motion carried unanimously.

4. PUBLIC COMMUNICATIONS (ORAL): N/A

5. OLD BUSINESS:

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

5.B. DISCUSSION AND POSSIBLE DECISION

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- 5.B.1.** Application #42-19ZRA, regulation amendment to §4124 and §4224, proposed by Mr. Marc Weingarten; discussion and possible scheduling of public hearing per §10500.

It was explained that a public hearing on this matter would be scheduled. Chairman Johnson reminded the public that both written and verbal communication from the public will be welcome at that time.

Donna Hayes read Attorney Mike Zizka's opinion regarding the recusal of the applicant during discussion. Marc Weingarten recused himself and stepped down. Adam Manes was elevated to voting status.

Donna Hayes reported that she created a definition for Retail Stores and Retail Stores- firearm/ammunition per the Commission's request. She reviewed these definitions with the group.

Matt Winter discussed the zones that would be affected by this proposal and requested further clarification of this. He asked the purpose of the prohibition and whether it would change the culture of gun violence. Adam Manes reported that he researched gun violence around gun stores and found no statistic to prove any increase. He noted that CT has the 2nd strictest gun regulations. He feels that all this regulation will accomplish is to prevent a particular store from being able to operate in Kent. John Johnson explained that he does not feel that this regulation will make any overall difference with regard to gun violence. However, it may emotionally appease those who are concerned with gun stores in Kent. Karen Casey noted that as community guard dogs, the Commission would be saying that they do not think it is appropriate to have gun stores in the middle of town. This is a statement saying this is not an acceptable use in the center of this town. Adam Manes pointed out that this is not what this regulation states as it is currently written. Karen Casey agreed that it should be amended to state that gun stores are not permitted in the Commercial District.

Marc Weingarten noted that he would be happy to work with Donna Hayes and Mike Zizka to modify the regulation proposal.

Mr. Wyrick moved to table application #42-19ZRA, regulation amendment to §4124 and §4224, proposed by Marc Weingarten. Mr. Manes seconded and the motion carried unanimously.

Mr. Weingarten was reseated.

6. NEW BUSINESS:

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

- 6.A.1.** Application #44-19SP, Dolores R. Schiesel, Esq. for Roberti Family, LLC, 175 Carter Road, change of use from single family dwelling and accessory dwelling unit to convalescent home, Map 14 Block 21 Lot 35.

The public hearing was opened at 7:57 pm and the legal notice was read for the record.

Dolores Schiesel came forward and clarified that this is not a High Watch application. She reviewed the application for a 16-bed, sober home and described its definition. She noted that she requested a waiver of

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the site plan. There is nothing in the application that will change the site. This facility will be for patients that have completed treatment and are in recovery. Residents would be referred after treatment, would be properly screened and would present no danger to a residential setting. This is very private setting that is gated and set back from Carter Rd. There would not be clinical treatments on the site; however, there will be ongoing 12 step treatment. She distributed the resume of Dr. Howard Samuels, a number one consultant on this matter, who has been consulting on the application. She confirmed that the property would remain on the tax rolls. There will be no more traffic than what a residence would create. The approval would be subject to Health and Building Department requirements. She explained that convalescent homes are permitted in this zone and a sober home falls within this description.

Chairman Johnson explained that the Commission requires a site plan for this application. The driveway turning ratios, width and any curves of the driveway for Fire Department access should be included. Additionally, a parking plan should be presented.

John Johnson requested the details of staff supervision regarding this program proposal. Attorney Schiesel explained that in general during the first 60 days a resident would not leave and then day trips would be allowed. There will be no commercial food deliveries. The only security would be the gate as this is for people who are not active users and have chosen to be there. She reported that this would be a co-ed facility. She confirmed that no additional bedrooms will be added and agreed to provide information regarding the house manager lodging.

Adam Manes requested that the practical detail be provided regarding staff, parking, food delivery, guest rules and visitor information. John Johnson requested details regarding professional and medical oversight.

Vin Roberti reported that the driveway was designed with the fire department in mind and for the safety of his family.

Marc Weingarten reminded the group that the Commission was assured during the Birch Hill and High Watch applications that patients would not be released into the Town of Kent. There had been concerns that sober homes would be popping up all over Kent.

Donna Hayes reported that she notified the Town of Warren. The First Selectman, Land Use Administrator, and Commission raised concerns regarding traffic and it was requested that this public hearing remain open in order for the Town of Warren to further understand this proposal. (see attached)

The floor was open to comments from the public:

Dr. Karen Altfest of Carter Rd reported that there is increased traffic and intrusions onto her property due to High Watch. She feels this proposal will create additional traffic and safety concerns. She asked for details regarding the caretakers, and the number of days that clients will be not allowed off campus.

Mat Starr came forward and noted the immense amount of traffic that will be created by High Watch's expansion. He feels the traffic study was done incorrectly. He feels the grade of driveway on this site is an issue. These sober homes seem to crop up everywhere due to the locations of the rehab facilities and an example will be set for commercial sober homes if this proposal is approved.

Bill Whynot discussed septic concerns that may even affect the Town of Warren due to the number of people that will be at this facility.

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Ellen Altfest of 110 Carter Road wondered if this is another Trojan horse like High Watch. The vagueness of this application is very concerning. She explained that strangers use their driveway, knock at their doors, and hike in their woods. She is beginning to feel unsafe in her home. Her house is suddenly going to be sandwiched between two rehabilitation centers. This is not what she understood Kent to be.

Richard James purchased the property across the street to get away from the traffic, growth and the madness that is Long Island and finds this very upsetting. There will be more people living in this facility than the population on the entire street. He asked if he should he sell his property?

Linda Palmer discussed the history of the Roberti family and their relationship to High Watch. In addition to this 8.9 acres they have another 10 acres. Traffic is what is killing her. It is a constant every day. She feels this is depreciating property values. Mrs. Palmer cited the Zoning Regulations with regard to the Commission's charge. She discussed access of fire department apparatus due to the grade of the driveway. This is not compatible with the overall neighborhood and is unfair to everyone who lives on Carter Rd.

Lou Altfest questioned whether the Commission is taking each item by itself and missing the entire picture. High Watch is taking Carter Road one piece at a time. He asked what controls can be put in place to prevent this.

Rob Colvin of 110 Carter Rd noted that he is disturbed that he knows less about what is going to happen in that house after the presentation. He feels like there have been three different explanations of what is happening there. There needs to be clarity of what is going on.

Property owner Vin Roberti explained the 10 acres the family owns on Carter Rd. was given to the land trust. They have 3 wells and 2 septic systems and the house was built in conjunction with the fire department. These will be sober people living in this home. High Watch is not in the picture here. It is an estate planning decision and a legacy for his children. There is a gym, pool and hiking trails to keep clients busy. This proposal cannot be expanded upon. There will be no more staff on the property then there is now. The issues with traffic on Carter Road is that it is a cut through. The Roberti family does not take this lightly, they want to be a good neighbor and will work hard to get the answers to the questions presented tonight.

Mr. Winter moved to continue the public hearing for application #44-19SP, Dolores R. Schiesel, Esq. for Roberti Family, LLC, 175 Carter Road, change of use from single family dwelling and accessory dwelling unit to convalescent home, Map 14 Block 21 Lot 3 Mr. Wyrick seconded and the motion carried unanimously.

- 6.A.2.** Application #'s 45-19SP and 46-19C, Brian Neff for Howard and Donna Smith, 81 Kent Hollow Road, construction of accessory dwelling unit and related site work, Map 16 Block 24 Lot 1.

The public hearing was opened at 9:15 pm and the legal notice was read for the record.

Brian Neff came forward and described the proposal for an accessory dwelling unit that is accessed off the split driveway on this property. It will be in the location of an existing log home that will be demolished. It will not to exceed 33 percent of the main dwelling as per the regulation requirements.

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Donna Hayes explained that the main house is an as of right activity. The Zoning permit for the main dwelling is approved pending the submission of cost information.

Fire truck access was discussed and it was determined that the Fire Department can make recommendations regarding the required size of the apron. Mr. Neff confirmed that the driveway grade meets the requirements. TAHD has approved both the main house and accessory unit.

Rich Chavka was elevated to voting status.

Mr. Winter moved to close the public hearing for application #'s 45-19SP and 46-19C, Brian Neff for Howard and Donna Smith, 81 Kent Hollow Road, construction of accessory dwelling unit and related site work, Map 16 Block 24 Lot 1. Ms. Hicks seconded and the motion carried unanimously.

Mr. Winter moved to approve application #'s 45-19SP and 46-19C, Brian Neff for Howard and Donna Smith, 81 Kent Hollow Road, construction of accessory dwelling unit and related site work, Map 16 Block 24 Lot 1 provided that lighting conforms to regulations, the Kent Volunteer Fire Department has an opportunity to review driveway cut for accessibility and pending the approval of the main dwelling. Mr. Weingarten seconded and the motion carried unanimously.

6.B. DISCUSSION AND POSSIBLE DECISION

- 6.B.1.** Modification to permit #81-18C, Mark G. Smith, P.E., for MKN Property Holdings, LLC, 5 South Main Street, addition, new pumps and tanks. Modification to include lighting at the Mobil gas station, 5 South Main Street, Map 19 Block 12 Lot 5.

Donna Hayes reported that the ARB reviewed and approved proposed lighting. Lou Salerno explained that lighting that will meet the Town's specification will replace the existing lighting. The old Mobil sign will be removed and replaced with two Mobil signs on the side of both canopies. The PATCO signs will be removed from the building and not replaced.

The group questioned the color of the light. Mr. Solerno agreed that the blue light was too bright and the new lights will be softer. He agreed to provide the color temperature for the Commission.

Mr. Winter moved to approve modification to permit #81-18C, Mark G. Smith, P.E., for MKN Property Holdings, LLC, 5 South Main Street, addition, new pumps and tanks. Modification to include lighting at the Mobil gas station, 5 South Main Street, Map 19 Block 12 Lot 5 with the conditions that an additional internally lit Mobil gas station sign on the Route 341 canopy will be added in place of the business signs on the building. The Mobil pole sign shall be replaced and relighted with lower wattage. The new canopy lights will be in the range of 2500 k. Mr. Weingarten seconded and the motion carried unanimously.

7. STAFF REPORT:

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

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9. OTHER COMMUNICATIONS AND CORRESPONDENCE:

9.A. Administrative Permits and Certificates of Compliance – June 10 – July 5, 2019- distributed

9.B. Monthly Financials – July through May, 2019. - distributed

10. ADJOURNMENT

Mr. Wyrick moved to adjourn at 9:56 p.m. Ms. Casey seconded and the motion carried unanimously.

Respectfully submitted,

Tai Kern

Tai Kern,
Land Use Clerk



Donna Hayes <landuseadmin@townofkentct.org>

Re: 175 Carter Road - Special Permit Application - Response from Town of Warren

Craig Nelson <selectman@warrenct.org>
To: landuseadmin@townofkentct.org

Wed, Jul 10, 2019 at 12:33 PM

Donna

I think Stacy will letting you know about the Warren Zoning concerns. The Selectmen would like to know if there are any plans in the future to expand over the town line to the over 100 acres they own.

Craig B. Nelson
First Selectman
Town of Warren

Donna Hayes <landuseadmin@townofkentct.org> writes:

Thank you for the update. I look forward to seeing any comments from your Commission members.

Best of luck in your new position !!

Thanks again !

On Tue, Jul 9, 2019 at 7:21 PM Stacey Sefcik <landuse@warrenct.org> wrote:

Hi Donna,

I am in receipt of your letter regarding the special permit application for the property at 175 Carter Road in Kent to convert from a single family dwelling and accessory dwelling unit to a convalescent home. I know you have a public hearing on July 11th and I wanted to let you know that our P&Z is meeting tonight, and I will be bringing this application to their attention. I hope to have a response from them to forward to you in time for your public hearing. They may have comments related to traffic and speeding, as we are already encountering these issues from people traveling to High Watch at 62 Carter Road via Brick School Road.

While I am now full-time in Thomaston, I am still covering Warren as well until they hire my replacement. I am here on Tuesdays from around 4:30-6:30 and Fridays 1-3PM. I've also CC'd our First Selectman Craig Nelson and the Land Use Administrative Assistant, Brenda Zampaglione.

Feel free to contact me in Thomaston at ssefcik@thomastonct.org

Stacey

Stacey M. Sefcik, CZEO
Zoning & Inland Wetlands Enforcement Officer
Town of Warren

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Donna M. Hayes, CZEO
Land Use Administrator
Town of Kent
Land Use Office
41 Kent Green Boulevard
P.O. Box 678

Town of Kent
41 Kent Green Boulevard
PO Box 678
Kent, CT 06757
ATTN: Donna Hayes, Land Use Administrator

Application #44-19SP, Dolores R. Schiesel, Esq. for Roberti Family, LLC, 175 Carter Road – Change of Use from Single Family Dwelling and Accessory Dwelling Unit to Convalescent Home. Map 14 Block 21 Lot 35.

Ms. Hayes:

The Town of Warren is in receipt of your notice pursuant to §8-7d(f) of the Connecticut General Statutes regarding the above-referenced matter now pending before the Town of Kent Planning & Zoning Commission, received in our Town Clerk's office on Monday, July 8, 2019. While the P&Z was able to very briefly review the materials submitted to us at their July 9, 2019 regular meeting, I am writing to you at their request to ask that the public hearing remain open in order to allow the Town of Warren, its Land Use Department, and the Planning & Zoning Commission the opportunity to more thoroughly review and understand the proposed application.

According to the materials we were sent, the current main residence and the accessory dwelling unit have a combined total of 8 bedrooms, and two residents per bedroom are envisioned as a part of this application. In addition to these 16 residents, an onsite residence manager would be present 24/7, and non-resident guests would be permitted with prior approval. As detailed in the documents we were sent, residents would be encouraged to find employment while in residence; as such, they would ostensibly be commuting offsite to their employment.

As the property in question is directly adjacent to the Town line with Warren, it is likely that residents, staff, and guests will be traveling to the home using both Brick School Road and North Kent Road (which becomes Carter Road at the town line) in order to access the premises. We wish to make our colleagues in Kent aware that both the Land Use Office and the Planning & Zoning Commission here in Warren have already received numerous complaints over the past several years regarding both the large volume of traffic and its high rate of speed through Brick School Road and North Kent Road, both coming from and going to Carter Road in Kent. Because of this, any application that has the potential to add an additional traffic burden on these narrow, rural roads through an entirely residential neighborhood is understandably a source of concern to our Commission.

The Town of Warren Planning & Zoning Commission understands and respects the federal and State laws that rightly exist to protect a proposal such as is now before you. We are simply requesting the opportunity to have more time to review the application in light of the current and potential levels of through traffic to and from Warren in this area of our shared town line and to consider whether any options exist to ameliorate the potential for an added traffic and safety burden along this rural road.

Thank you again for the opportunity to review and comment on this application.

Sincerely,

Stacey M. Sefcik, CZEO
Zoning & Inland Wetlands Enforcement Officer
Town of Warren

CC: Town of Warren Planning & Zoning Commission
Craig Nelson, First Selectman, Town of Warren