

TOWN OF KENT
PLANNING AND ZONING COMMISSION
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BY  TOWN CLERK

SEPTEMBER 12, 2019 REGULAR MEETING MINUTES

The Town of Kent Planning and Zoning Commission held a regular meeting on Thursday, September 12, 2019 at 7:00 p.m. in the Kent Town Hall.

1. CALL TO ORDER

Chairman Johnson called the meeting to order at 7:00 p.m.

2. ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED

Commissioners Present: Wes Wyrick, Karen Casey, Anne McAndrew, Adam Manes,
John Johnson, Alice Hicks, Darrell Cherniske

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

Anne McAndrew and Adam Manes were elevated to voting status.

3. READING AND APPROVAL OF MINUTES:

3.A. Regular Meeting Minutes of August 8, 2019

Mr. Manes moved to approve the Regular Meeting Minutes of August 8, 2019. Mr. Cherniske seconded and the motion carried unanimously.

Mr. Manes moved to add to the agenda application #72-19C and discussion of a recommendation regarding section 3234.8. Mr. Cherniske seconded and the motion carried unanimously.

Alice Hicks was seated at 7:02 pm

4. PUBLIC COMMUNICATIONS (ORAL): N/A

5. OLD BUSINESS:

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

TOWN OF KENT PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES FOR SEPTEMBER 12, 2019

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5.A.1. Application #'s 44-19SP and 64-19C, 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 re-opened at 7:02 pm and Chairman Johnson read correspondence submitted by Annette, Richard and Robert James and Linda Palmer.

Attorney Neil White came forward to represent the Roberti Family Trust. He noted that Dr. Samuels and Mr. Roberti were present to answer questions.

Dr. Samuels came forward and introduced himself. He explained that he has built and run high end treatment centers in California. He has never had any involvement with any kind of violence in his treatment centers. People will have to be sober a number of months or years to come to this house. The cost will be \$500-\$1000 per day and program will be catering to professionals.

Dr. Samuels reported that there will be a program manager with extensive experience and counseling degrees. The program manager would schedule and run the house. This would be like a therapy clinic helping people with their relationships and reentering the workplace. An intensive assessment will be done for everyone entering the program to decide whether they are appropriate for the house and will not be disruptive. This will be a very safe environment.

Dr. Samuels explained that there will be three shifts per day staffed with two to three employees. A position summary for the Residence Assistant positions was distributed. A day in the life for the clients was described.

Attorney White noted that he does not see a traffic problem with regard to this proposal. The residents will not have cars. The only traffic will be from staff and there will be no large deliveries. The traffic may increase slightly during the weekends for afternoon visiting time; however, the visitation will be split into time slots.

Attorney White addressed concerns regarding neighboring property values. He noted that there is no evidence that anything being done will lower property values. He does not see a concern with the strain on emergency services. The prescreened residents will be in a healthy stage.

Dr. Samuels confirmed that he is under contract with the Roberti family to be the consultant to staff the program.

Vince Roberti noted that many of the clients have active jobs and will not be working during their stay; however, there would be a block in their schedule for them to call in to their workplaces.

Karen Casey questioned the licensing required and where they are in the process. Attorney White explained that there is not a licensing requirement; however, the self-imposed staffing requirements will be intensive.

Adam Manes reminded the group that the original testimony was that the residents would have a car after the first month. Mr. Roberti made the correction to the original statement made by Attorney Schiesel noting that the residents are not expected to stay that long to be in need of a car.

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Mr. Cherniske questioned drug screening and security in dealing with strong willed people. Dr. Samuels reported that there will be frequent drug screening. He explained that recovery is about being humble and teachable or residents must leave the program. Mr. Roberti reported that there are cameras for all areas of the house and property. The property is not easily accessible from the road. There are checks every 15 minutes confirming everyone's location. He confirmed that he has never had an experience where a trooper needed to get involved.

Wes Wyrick questioned Dr. Samuels as to his experience with a gender mixed house. Dr. Samuels reported that coed facilities are the only kind with which he has experience. The women will be in a separate house. One of the rules is that there is no sex.

Anne McAndrew noted that there are many of the same processes and structures as a rehabilitation facility. She questioned how this proposal is different than a rehab. Dr. Samuels explained that the structure is very helpful for these people.

Alice Hicks discussed the amount of people proposed to live in this house. She feels 16 people is large for this community. Dr. Samuels explained that 16 people work perfect for this very spread out property. She noted concerns with security and drug dealers. Dr. Samuels explained that people staying here are not looking for drugs; however, everything that comes in is searched. All people visiting will be vetted as appropriate.

John Johnson discussed his questions regarding who will be in charge now and in the future. It was explained that Dr. Samuels would put together the program and then oversee the program manager. Mr. Roberti confirmed that the Roberti Family Trust will continue to own this property for decades.

Mr. Cherniske questioned licensing. Ms. Hayes reported that she spoke with the Department of Public Health who advised that this may need to be licensed. A program needs to be presented to them so they can determine whether this needs to be licensed. After licensing applications are submitted, they will determine whether a certificate of need is required. Building, fire and safety would need to be reviewed and could take up to nine months for this process.

Mr. Roberti advised that they had this discussion with Department of Public Health and it has been determined licensing is not needed. They are happy to talk to them again and will comply with what is required.

Dr. Samuels advised that residents would be taken based upon their behavior. Anyone with behavioral issues would not be taken. They will not be taking referrals from the criminal justice system. Mr. Roberti advised that they will not allow anyone in who is not a professional. This is an adult professional program for ages 18 and up.

The floor was opened to public comment:

Larry MacNeil, a property abutter, noted that he feels traffic would increase, property values would decrease, noise would be a factor and the existing septic cannot handle it.

Adam Crane, a member of the Planning and Zoning Commission in Warren, explained that he is present as an individual. He discussed the need for a traffic study. He said this can be done once the current bridge repair is complete. To do anything prior to the study would be irresponsible.

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John Noneman questioned whether anyone would live on site. Dr. Samuels reported that staff will be present 24/7. Mr. Roberti agreed to look into this possibility. It was confirmed that the AA meetings would be closed and for residents only.

Dr. Karen Altfest asked for the explanation of the difference in problems between those who are professionals and those who are not. She questioned how a better class of people with the same problems would be different. She discussed the purpose of a trust and the fact that they would not be accountable. Attorney White advised that a trust could be sued. Mr. Roberti explained that this is not a place for an adolescent or someone who has not had a job. They are not trying to prejudice anyone. They are trying to create an environment where people have similarities.

Larry MacNeil explained that when they moved to Carter Rd. it was a nice quiet street and now the traffic is bad.

Annette James came forward and explained her struggle with High Watch being in the neighborhood as part of their decision to purchase the property. If this proposal existed at the time, they would never have purchased the property.

A resident of Warren of 3 years explained that she moved there for the rural character and feels the traffic will affect this.

Linda Palmer of 25 Carter Road discussed how angry she is about the traffic. She does not feel safe in her home anymore. The property is being devalued and the natural resources and volunteer services are being depleted.

Fred Hosterman reported that he made suggestions to Attorney Schiesel that would ameliorate the situation. Mr. Roberti explained that he discussed the suggestions with Attorney Schiesel and he would be happy to help with the cost of the traffic study.

Linda Palmer reported that she contacted DEEP regarding the septic and it was confirmed this would be an issue for TAHD.

Ellen Altfest discussed the capacity of the house as advertised and the fact that it can hold up to 790 people for events. It was described there is ample parking on the road as well as on the site. The applicant confirmed that there will be no events.

Anne McAndrew questioned who would be distributing medication. Dr. Samuels explained that personal medication would be checked in and the client would have the ability to take as prescribed.

The Commission discussed the possibility of a traffic study. Attorney White stated that they would like to keep the public hearing open to answer the questions presented and submitted that request in writing.

Mr. Manes moved to continue the public hearing for application #'s 44-19SP and 64-19C, 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 to a special meeting on or before October 4, 2019. Mr. Cherniske seconded and the motion carried unanimously.

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5.B. DISCUSSION AND POSSIBLE DECISION

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.** Vincent Roberti for High Watch Recovery Center, Inc., 62 Carter Road, extension of permit # 83-17AP, one office trailer, for an additional 6 months, Map 14 Block 22 Lot7

There was no one present for this application. Donna Hayes reminded the Commission that a permit was issued for 24 months. The applicant is requesting a 6-month extension and advised that they may request another 6 month extension

Mr. Manes moved to approve High Watch Recovery Center, Inc., 62 Carter Road, extension of permit # 83-17AP, one office trailer, for an additional 6 months, Map 14 Block 22 Lot7. Mr. Wyrick seconded and the motion carried unanimously.

- 6.B.2.** Application #72-19C, Ira D. Smith for Albert Franco Real Estate Trust, 5 Bridge Street, change of use from retail/residential apartment/ice cream parlor to retail/residential apartment, Map 19 Block 13 Lot 7.

Anne McAndrew recused herself.

Donna Hayes explained that the ice cream parlor use is going to be abandoned as part of the sale of the building. The building would return to its former use of retail/residential. She confirmed that parking is sufficient.

Mr. Wyrick moved to approve waivers 2, 3, 6, 7, 8, 9, 11, 12, and 13. Mr. Manes seconded and the motion carried unanimously.

Mr. Manes moved to approve application #72-19C, Ira D. Smith for Albert Franco Real Estate Trust, 5 Bridge street, change of use from retail/residential apartment/ice cream parlor to retail/residential Apartment, Map 19 Block 13 Lot 7. Ms. Casey seconded and the motion carried unanimously.

7. STAFF REPORT:

Recommendation to change the regulation regarding section 3234.8, a detached accessory residential unit in accordance with section 6200.

Donna Hayes reviewed her recommendation to change the Zoning Regulations regarding detached accessory dwellings that shall not exceed 33 percent of the principal dwelling. She reported that she has had two applicants in the past two months have issues with their plans due to this new regulation. She does not think the ramifications of this was realized when the new regulations were passed.

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The Commission agreed to bring to public hearing the proposal to remove numbers 5 and 6 from section 3234.8, a detached accessory residential unit in accordance with section 6200.

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

9. OTHER COMMUNICATIONS AND CORRESPONDENCE:

9.A. Administrative Permits and Certificates of Compliance – August 5 to September 6, 2019.
Reviewed

10. ADJOURNMENT

Mr. Manes moved to adjourn at 9:50 p.m. Mr. Cherniske seconded and the motion carried unanimously.

Respectfully submitted,

Tai Kern

Tai Kern,
Land Use Clerk

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