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TOWN OF KENT

PLANNING AND ZONING COMMISSION

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NOVEMBER 9, 2017 REGULAR MEETING MINUTES

The Town of Kent Planning and Zoning Commission held a regular meeting on Thursday, **November 9, 2017** at 7:00 p.m. in the Kent Town Hall.

1. CALL TO ORDER

Acting Chairman Manes called the meeting to order at 7:06 p.m.
Vice Chairman Winter arrived at 7:07 and took on the position of chairman for this meeting.

2. ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED

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

Staff Present: Donna Hayes, Land Use Administrator

3. READING AND APPROVAL OF MINUTES:

3.A. Regular Meeting Minutes of October 12, 2017.

Mr. Manes moved to approve the Regular Meeting Minutes of October 12, 2017. Mr. Cherniske seconded and the motion carried unanimously.

Ms. Hicks moved to change the agenda item 9D to 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. Cherniske seconded and the motion carried unanimously.

Ms. Hicks moved to add to the agenda items 9.E. Open session discussion possible action, 9.F. Illegal cars, 8 South Rd. Winnie and Kenton Burt, Map 10 Block 40 Lot 38, 9.G. Acceptance and approval of 2018 Meeting Schedule. Mr. Cherniske seconded and the motion carried unanimously.

4. PUBLIC COMMUNICATIONS (ORAL): None

5. OLD BUSINESS:

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

5.A.1. Temporary Health Care Structures - discussion on whether to opt out or not.

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REGULAR MEETING MINUTES FOR NOVEMBER 9, 2017

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Vice Chairman Winter reopened this public hearing at 7:09 pm.

Donna Hayes reported that she spoke with Town Attorney Schiesel who advised that an action should be taken by this Commission to either accept this public act and add it to the Regulations or to opt out. Mrs. Hayes explained that there are already regulations in place to allow accessory dwellings and guest houses, which is more beneficial to the property owner rather than the temporary structures proposed in this public act. Kent has a better plan in place than Temporary Health Care Structures.

Adam Manes explained that this was created for the towns that do not allow for accessory dwellings. He questioned how many properties might be in Kent for which the Town might be limiting the ability to care for someone. It was confirmed that should it be determined at a later date that Temporary Health Care Structures could be beneficial to Kent, then the Commission can reconsider adding it to the Regulations

Mr. Cherniske made a motion to close the public hearing for the Temporary Health Care Structures - discussion on whether to opt out or not. Mr. Manes seconded and the motion carried unanimously.

Mr. Manes made a motion to opt out of PA 17.155 - Temporary Health Care Structures. Ms. Casey seconded and the motion carried unanimously.

5.B. DISCUSSION AND POSSIBLE DECISION

5.B.1. Rewrite of Zoning Regulations:

Donna Hayes reported that she will rewrite the Sign Regulations and send them out for review. The public hearing will be scheduled at the December meeting.

6. NEW BUSINESS: none

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 - tabled

9.B. Monthly Financials – July, 2017 –September, 2017- reviewed

9.C. Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter, Fall

The members confirmed their receipt and review of this newsletter.

9.D. 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. Manes made a motion to enter into executive at 7:24. Mr. Cherniske seconded and the motion carried unanimously.

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Mr. Manes made a motion to exit executive at 7:51. Mr. Cherniske seconded and the motion carried unanimously.

9.E. Open session discussion possible action

Mr. Manes made a motion to instruct Attorney Ziska to work with the applicants' attorney in taking the lead in filing the motion to dismiss. Mr. Cherniske seconded and the motion carried unanimously.

It was noted that the Commission has been instructed to retain all information regarding Birch Hill going forward for the record.

9.F. Illegal cars, 8 South Rd. Winnie and Kenton Burt, Map 10 Block 40 Lot 38

Donna Hayes reported on the return of excessive cars to this property. She explained that per a conversation between Mr. Burt and the First Selectman it was agreed that the cars would be removed by November 30, 2017. She drafted a letter upon the advice of Attorney Ziska reminding Mr. Burt that the cease and desist order is still in effect. The letter stated that the 11/30/17 will be honored; however, after that date he will be fined daily until the cars are removed.

9.G. Acceptance and approval of 2018 Meeting Schedule.

Ms. Hicks made a motion to accept the 2018 Meeting Schedule. Mr. Wyrick seconded and the motion carried unanimously.

Mr. Cherniske made a motion to add to the agenda 9.H. Artillery Shop. Mr. Manes seconded and the motion carried unanimously.

9.H. Artillery Shop

It was explained that the approved change of use from office to a retail establishment on Bridge Street was for a gun store. Anne McAndrew reported that she had an altercation with the gun store owner regarding parking and as a result 911 was called. She was informed that the owner possibly suffers from PTSD and has hesitations regarding his ownership of the gun shop. It was recommended that the incident be reported to the ATF. However, it was noted that this is not a Planning and Zoning matter. A store that sells guns is a retail business per the Regulations. There must be some exclusion in the Regulations to prevent the establishment of a gun store in order for such an activity to be denied. Going forward this can be a discussion as part of the regulation revisions.

10. ADJOURNMENT

Mr. Manes moved to adjourn at 8:24 p.m. Ms. Hicks seconded and the motion carried unanimously.

Respectfully submitted,

Tai Kern

Tai Kern,
Land Use Clerk

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