

**TOWN OF KENT
PLANNING AND ZONING COMMISSION**

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KENT TOWN CLERK
2017 DEC 18 A 9:09
BY *Donna Hayes*
TOWN CLERK

DECEMBER 14, 2017 REGULAR MEETING MINUTES

The Town of Kent Planning and Zoning Commission held a regular meeting on Thursday, **December 14, 2017** at **7:00 p.m.** in the Kent Town Hall.

1. CALL TO ORDER

Chairman Johnson called the meeting to order at 7:06 p.m.

2. ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED

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

Staff Present: Donna Hayes, Land Use Administrator

Adam Manes and Anne McAndrew were seated as voting members.

3. READING AND APPROVAL OF MINUTES:

3.A. Regular Meeting Minutes of November 9, 2017.

The word "session" was added after "executive" on page 2 and page 3. On page 4 the word "date" was added after 11/30/17.

Mr. Winter moved to approve the Regular Meeting Minutes of November 9, 2017 as amended. Mr. Manes seconded and the motion carried unanimously.

4. PUBLIC COMMUNICATIONS (ORAL):

Rick Levy came forward and complemented the Commission on their work with regard to the proposed rehabilitation center. He noted that most people do not understand the job of this Commission. The success or failure of this business is not the responsibility of this Commission. The Commission's job is to interpret the regulations. He is proud of the decision made by this Commission.

Linda Palmer came forward and asked why High Watch is suing the Planning and Zoning Commission. Donna Hayes clarified that High Watch is appealing the decision made by the Commission with regard to the Birch Hill proposal as they claim they are classically aggrieved by this decision.

5. OLD BUSINESS:

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

5.B. DISCUSSION AND POSSIBLE DECISION

5.B.1. Rewrite of Zoning Regulations:

Donna Hayes distributed a copy of the chart to be attached to the Sign Regulations. Glen Chalder will be sent a copy of the chart so he can incorporate the changes into the revised Regulations. She reported that the ARB would like to make some changes to the Regulations as well. There is some confusion whether an architect must be on the board and at some point they decided to hire a village consultant in lieu of a member architect.

Adam Manes noted that these Regulations must be completed as such changes are an ongoing process. It was agreed that they should present their proposed changes and if they are something that does not required to much time for review then they can be accommodated into the current revisions.

It was agreed that the public hearing for the Zoning Regulation revisions would be scheduled as a Special Meeting in March.

5.B.2. Illegal cars, 8 South Road, Winnie and Kenton Burt, Map 10 Block 40 Lot 38.

Donna Hayes reported that the cars have been completely removed from this site on December 4th.

6. NEW BUSINESS:

6.A. Approval of By Laws and Election of Officers

The most recent By Laws were distributed. The Commission asked that they be adjusted to become gender neutral.

Mr. Winter made a motion to revise the By Laws to make them gender neutral. Mr. Manes seconded and the motion carried unanimously.

Marc Weingarten noted the ambiguity in the verbiage regarding membership and voting members. It was agreed that Mike Ziska should review this language

Mr. Manes made a motion to elect John Johnson as Chairman, Matt Winter as Vice Chair/Secretary and Marc Weingarten as Treasurer. Darryl Cherniske seconded and the motion carried unanimously.

6.B. Discussion of proposed use of 47 Carter Road, High Watch Recovery Center, Inc., Map 14 Block 21 Lot 17.

The group reviewed the proposal by High Watch for the property they purchased across the street from their location to be used for an equine therapy and therapeutic recreational and agricultural program with no living quarters for patients on site; however, there may be living quarters on site for staff. It was discussed whether this was a contiguous piece of property and whether this would be considered an accessory or primary use. The Commission directed Mrs. Hayes to ask Mike Ziska if a separate parcel can be considered an accessory use and if this was considered a primary use how it would be classified. The group agreed to forward additional questions regarding this matter to Mrs. Hayes for Mike Ziska's review.

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Mr. Manes made a motion to table the discussion of the proposed use of 47 Carter Road, High Watch Recovery Center, Inc., Map 14 Block 21 Lot 17. The motion was seconded by Mr. Winter and carried unanimously.

6.C. Discussion with Ellie Place regarding the open position on the Architectural review Board

Donna Hayes reported that Ellie Place is interested in serving on the Architectural Review Board, but she was unable to meet with them at their last meeting or be present at this meeting.

Mr. Manes made a motion to meet with Ellie Place and discuss the appointment to the ARB in January. The motion was seconded by Mr. Weingarten and carried unanimously.

7. STAFF REPORT:

Donna Hayes reported that a complaint was received about auctions being held at 209 Kent Road and it was found that the tenant is a seizure auction specialist with several dates advertised for upcoming auctions. Donna Hayes contacted the tenant advising he was in violation of the Regulations; however, he was not cooperative. This is a foreclosed bank owned property. The tenant is under eviction and she has informed those involved on behalf of the bank that they are in violation of the Zoning Regulations and has been assured that this matter will be handled.

8. REPORT OF OFFICERS AND COMMITTEES: No action taken

9. OTHER COMMUNICATIONS AND CORRESPONDENCE:

9.A. Administrative Permits and Certificates of Compliance - reviewed

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

Donna Hayes reported that there will be an increase to the conference line item in the upcoming budget due to the new CAZEO requirement of continuing education credits. Additionally, a map copier is being sought for a shared purchase between the Town Clerk and Land Use Office in an effort to digitize the maps on record. The members suggested that project labor and machine maintenance be considered as part of the budget as well.

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. Winter made a motion to enter into executive session at 8:40 p.m. Mr. Manes seconded and the motion carried unanimously.

Mr. Winter made a motion to exit executive at 8:53 p.m. Mr. Cherniske seconded and the motion carried unanimously.

Alice Hicks was dismissed at 8:50 p.m.

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. –

No action taken.

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12. ADJOURNMENT

Mr. Manes moved to adjourn at 8:53 p.m. Mr. Winter seconded and the motion carried unanimously.

Respectfully submitted,

Tai Kern

Tai Kern,
Land Use Clerk

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