

TOWN OF KENT
PLANNING AND ZONING COMMISSION
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2017 JAN 12 P 12:00

BY *J. Brady*
TOWN CLERK

JANUARY 11, 2018 REGULAR MEETING MINUTES

The Town of Kent Planning and Zoning Commission held a regular meeting on Thursday, January 11, 2018 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: John Johnson, Alice Hicks, Karen Casey, Anne McAndrew,
Darrell Cherniske, Matt Winter, Adam Manes

Staff Present: Donna Hayes, Land Use Administrator

Anne McAndrew was seated as a voting member.

3. READING AND APPROVAL OF MINUTES:

3.A. Regular Meeting Minutes of December 14, 2017.

Mr. Winter moved to approve the Regular Meeting Minutes of December 14, 2017. Mr. Cherniske seconded and the motion carried unanimously.

Mr. Winter made a motion to add agenda item 6B2 Continuation of legal advice and services by Attorney Michael Zizka and his new firm, Halloran and Sage. Mr. Cherniske seconded and the motion carried unanimously.

4. PUBLIC COMMUNICATIONS (ORAL): No action taken.

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. Rewrite of Zoning Regulations:

Donna Hayes distributed the proposed sign regulations for the members to review and submit their comments in writing before the next meeting. She asked that they determine whether they would like to maintain the alternative

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signage program. The group agreed that they would schedule a meeting to review the sign regulations with Glen Chalder and discussed the upcoming public hearing scheduled for March 8th. Donna Hayes agreed to discuss and determine the time for the public hearing with Mr. Chalder.

Adam Manes was seated as a voting member at 7:09 pm.

5.B.2. Approval of Town of Kent Planning & Zoning Commission By-Laws

Donna Hayes reported that she made the changes to the By-Laws to make them gender neutral and sent them to Mike Zizka for his review.

Mr. Manes moved to table the Town of Kent Planning & Zoning Commission By-Laws to the next meeting. Mr. Winter seconded and the motion carried unanimously.

5.B.3. Discussion of proposed use of 47 Carter Road, High Watch Recovery Center, Inc., Map 14 Block 21 Lot 17.

Donna Hayes reported that Attorney Zizka advised that if the property is not determined contiguous it would not fall within Section 6.2.2 Special Permitted Uses. The members determined that this is a separate lot; therefore, an accessory use should not apply. However, the Commission will continue to consider any evidence that High Watch can bring forward to show that this should be considered a contiguous piece of property. Donna Hayes will communicate to High Watch that the Commission has discussed this proposal and determined that High Watch should come forward with their application prior to any further discussion.

6. NEW BUSINESS:

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

6.A.1. Applications 101-17C and 102-17SP, Robert V. Fischer for Campland Inc., addition of covered porch to Boys' Arts and Crafts Building, Map 10 Block 22 Lot 51

The public hearing was opened at 7:24 pm and the legal notice was read for the record. Robert Fischer came forward and the plan for a 24' x 32' covered porch was discussed. It was confirmed that this proposal falls within the lot's allowable coverage limits. TAHD approval was presented. Mr. Fischer reviewed the plan for interior lights on this proposal and it was determined that light pollution has not been a problem in this area.

Mr. Manes moved to close the public hearing at 7:32 for applications 101-17C and 102-17SP, Robert V. Fischer for Campland Inc., addition of covered porch to Boys' Arts and Crafts Building, Map 10 Block 22 Lot 51. Mr. Winter seconded and the motion carried unanimously.

Mr. Winter made a motion to accept waivers 4.3.7, 4.3.8, 4.3.9, 4.3.10, 4.3.12, 4.3.13. Mr. Manes seconded and the motion carried unanimously.

Mr. Manes moved to approve the applications 101-17C and 102-17SP, Robert V. Fischer for Campland Inc., addition of covered porch to Boys' Arts and Crafts Building, Map 10 Block 22 Lot 51. Mr. Cherniske seconded and the motion carried unanimously.

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6.B. DISCUSSION AND POSSIBLE DECISION

6.B.1. Lot Line Revision: 5 Hollow 5, LLC, 0 Kent Hollow Road, Map 16 Block 24 Lot 15, to Laurie Kallstrom-Benderer, 149 Kent Hollow Road, Map 16 Block 24 Lot 20.

Donna Hayes reported that this is a request for a lot line revision to create an 11.259 parcel and a 10 acre parcel. Currently a house is being constructed on Lot 1. Mrs. Hayes does not anticipate this change being an issue with TAHD as the lot they are building upon is being made larger with this proposal. In the future it will be considered a subdivision, if the 11.259 acres is divided.

Mr. Winter moved to accept Lot Line Revision: 5 Hollow 5, LLC, 0 Kent Hollow Road, Map 16 Block 24 Lot 15, to Laurie Kallstrom-Benderer, 149 Kent Hollow Road, Map 16 Block 24 Lot 20. Mr. Manes seconded and the motion carried unanimously.

6.B.2. Continuation of legal advice and services by Attorney Michael Zizka and his new firm, Halloran & Sage.

Donna Hayes reported that Michael Zizka has left Murtha Cullina and is now employed by Halloran & Sage. The Commission will need to determine whether they would like to continue using Attorney Zizka for legal advice and services. The fees for his services will remain the same. The group noted that Halloran & Sage is a strong land use firm. The members discussed some concerns, but agreed they should go forward with Attorney Zizka for the time being.

Ms. Hicks moved to continue use of legal advice and services by Attorney Michael Zizka and his new firm, Halloran & Sage. Mr. Cherniske seconded and the motion carried unanimously.

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 - reviewed

9.B. Information from NHCOC on: 5th Thursday Forums; NWCT Economic Development Summit; and, CLEAR Land Use Academy sessions.

Donna Hayes reported that she is waiting to hear whether these forums can be used for continuing education credits for CAZEO certification.

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. Manes made a motion to enter into executive session at 7:57 p.m. Mr. Winter seconded and the motion carried unanimously.

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Mr. Winter made a motion to exit executive session at 8:15 p.m. Mr. Manes seconded and the motion carried unanimously.

- 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.

It was noted that they are awaiting a determination regarding the Motion to Dismiss. Mr. Winter asked that Attorney Zizka confirms that all of the timelines are being met.

Mr. Manes moved to send a letter to High Watch advising that it has come to the Commission's attention that they have applied to the State to for detox beds at their facility and this will require a modification to their Special Permit. Mr. Winter seconded and the motion carried unanimously.

12. ADJOURNMENT

Mr. Manes moved to adjourn at 8:17 p.m. Mr. Winter seconded and the motion carried unanimously.

Respectfully submitted,

Tai Kern

Tai Kern,
Land Use Clerk

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