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TOWN OF KENT

PLANNING AND ZONING COMMISSION

41 Kent Green Boulevard
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MARCH 8, 2018 REGULAR MEETING MINUTES

The Town of Kent Planning and Zoning Commission held a regular meeting on Thursday, **March 8, 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, Karen Casey, Anne McAndrew, Darrell Cherniske, Richard Chavka, Adam Manes

Staff Present: Donna Hayes, Land Use Administrator

Anne McAndrew, Rich Chavka and Adam Manes were seated as voting members.

3. READING AND APPROVAL OF MINUTES:

3.A. Regular Meeting Minutes of February 8, 2018.

Mr. Cherniske moved to approve the Regular Meeting Minutes of February 8, 2018. Mr. Manes 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 Summary of Major Changes dated 3/5/2018 and noted that if the Commission did not find any issues she would have them posted on the town website. She also distributed the draft

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mapping and reviewed the changes. It was noted that the public hearing will be held on March 29th at 7pm. The members agreed that minor changes will be considered at the public hearing; however, any major changes will require an additional meeting.

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

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

6. NEW BUSINESS:

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

6.A.1. Applications #10-18C and #11-18SP, High Watch Recovery Center, Inc., 47 Carter Road, therapeutic activities in conjunction with a privately-operated hospital, clinic, nursing or convalescent home or similar institution, Map 14 Block 21 Lot 17

Daryl Cherniske recused himself.

The public hearing was opened at 7:12 pm and Chairman Johnson read aloud the legal notice of this public hearing. Donna Hayes distributed her staff report regarding this application.

Attorney Joe Williams came forward with Jerry Schwab and Vinny Roberti. He noted that this 77 acre parcel is in a rural zone. The application is to continue residential and agricultural uses as well the addition of activities. High Watch would like to expand their therapeutic activities including equine therapy, a rope course and climbing wall, and farming. The existing house on the site will be used to house staff who will work at 47 Carter Rd. There will be no increase in patient residence or staff with regard to this proposal. All activities provided will be for residents only. Attorney Williams requested to waive the site plan requirements for this low intensity activity.

Jerry Schwab, CEO of High Watch, explained that part of High Watch's program had always been to give back to the community. Currently their equine therapy program is operating in Sharon and is very expensive to have off site. He noted that there is already a ropes course in town for recreation. The activities would be done during daylight hours in small groups. Equine therapy would be held during the week and the ropes would be used on the weekend.

Mr. Schwab confirmed for Mr. Manes that no more than four staff members will live on site. Currently three staff members live on the site. Mr. Manes questioned the need for TAHD approval. Vinny Roberti explained that the former owners had an illegal bathroom, but they are going through the process of working with the Health Department to make it a legal bathroom.

Jerry Schwab confirmed that there will not be horse trails, but there is a large amount of electric fencing throughout the property. He explained that equine therapy is about caring for the horse, not riding them.

Vinny Roberti reported that the driveway will remain as it is. The patients to be driven across the street for activities. No additional lighting is planned. There will be some clearing for crops and farm animals, such

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as chickens. Honey bees and maple syrup making will also be done on site. There is no plan for a farm stand. The activities will only be offered to patients and past patients who often come back to volunteer. It was acknowledged that a permit would be required from TAHD to use the kitchen to prepare food. A total of 5 acres will be dedicated to agriculture.

Donna Hayes confirmed that an IWC approval is not required for this proposal. She explained that a Zoning permit for the ropes and climbing course would be required. Vinny Roberti noted that these structures have already been installed; therefore, this would be post facto.

Chairman Johnson opened the floor to questions from the public:

Linda Palmer of 25 Carter Road came forward and reviewed the history of the property. She noted her concerns about the traffic, pollution to Kent Falls Brook, and wild life. She questioned whether the Conservation Commission should be involved. Ms. Palmer discussed the existing issues with traffic due to High Watch. She noted that this proposal takes a million dollar property off of the tax rolls and depreciates her property value by having a neighboring drug facility.

Jerry Schwab explained that there would not be additional traffic other than a delivery of hay or grain periodically. He reminded the Commission that High Watch did donate \$20,000 to the town this year and has committed to donating \$50,000 next year.

Jerry Schwab advised that the hours of operation will be during daylight hours, 7 days per week. Attorney Williams questioned whether it is necessary to set hours of operations to allow High Watch some flexibility as this is a low impact activity. Jerry Schwab advised that therapeutic programs would take place 9am to dusk.

Linda Palmer requested that the Conservation Commission look into the property for its appropriateness. It was explained that Kent is a rural farming community and the Conservation Commission's involvement would not be appropriate in this matter.

Mr. Manes noted that this seems to be a low impact use of the property. He does not foresee traffic or noise issues. Karen Casey agreed that this is a good use for the property. Mr. Manes explained that he does; however, have concerns with the expansion of a facility in the rural district.

Mr. Manes made a motion to close the public hearing for applications #10-18C and #11-18SP, High Watch Recovery Center, Inc., 47 Carter Road, therapeutic activities in conjunction with a privately-operated hospital, clinic, nursing or convalescent home or similar institution, Map 14 Block 21 Lot 17. Ms. Casey seconded and the motion carried unanimously.

Mr. Manes made the motion to approve waivers 4.3.3, 4.3.6, 4.3.7, 4.3.8, 4.3.9, 4.3.10, 4.3.12, 4.3.13 for applications #10-18C and #11-18SP, High Watch Recovery Center, Inc., 47 Carter Road, therapeutic activities in conjunction with a privately-operated hospital, clinic, nursing or convalescent home or similar institution, Map 14 Block 21 Lot 17. Mr. Chavka seconded and the motion carried unanimously.

Adam Manes made the following motion:

RESOLVED: *That the Kent Planning and Zoning Commission approve with conditions the applicant's Applications #10-18C and #11-18SP, High Watch Recovery Center, Inc., 47 Carter Road, therapeutic*

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activities in conjunction with a privately-operated hospital, clinic, nursing or convalescent home or similar institution, Map 14 Block 21 Lot 17.

This resolution is approved subject to the following conditions:

1. *The Commission considers the factual representations made by the applicant and its agents, representatives and consultants with regard to the nature, scope, location, extent, timing, frequency and all other aspects of the proposed use to have been critical in the Commission's determination that the Special Permit could properly be approved. Therefore, the applicant shall be bound by all such factual representations as though expressly made conditions of this approval, except as modified by this resolution. The applicant's factual representations include, but are not limited to, those made at the public hearing and in the following documents:*
 - A. *Site Plan Application #10-18C, dated February 19, 2018.*
 - B. *A letter addressed to John Johnson, Chairman Kent Planning and Zoning Commission, from Attorney Joseph W. Williams, Shipman & Goodwin, LLP, dated February 20, 2018.*
 - C. *Class A2 Perimeter survey prepared for High Watch Recovery Center, Inc. by Robert L. Hock LLS, LLC, Sheet 1 of 2, dated July 21, 2017.*
 - D. *Special Permit Application #11-18SP, dated February 19, 2018.*
 - E. *A letter addressed to John Johnson, Chairman Kent Planning and Zoning Commission, from Attorney Joseph P. Williams, Shipman & Goodwin, LLP, dated February 20, 2018.*
 - F. *A Google Map entitled 47 Carter Road, main houses, barn, garage and undated.*
 - G. *A Request for Waivers to be signed by the applicant.*
 - H. *A Staff Report prepared by Donna Hayes, Land Use Administrator, and dated February 26, 2018.*
2. *That the hours of operation for therapeutic activities shall be 9 a.m. to dusk.*
3. *That there will be no additional exterior lighting.*
4. *That there will be no exterior amplified sound system.*
5. *That a letter of approval from the Torrington Area Health District shall be submitted to the Land Use Office prior to the issuance of a zoning permit.*
6. *That each condition attached to this special permit approval is an integral part of the approval and inseparable from it. Should any of the conditions attached hereto be found by a court of competent jurisdiction on appeal to be void, then, in that event, the special permit granted herein is void and of no legal effect.*
7. *That the violation of any of the conditions of this special permit approval may be grounds for revocation of the special permit pursuant to section 4.15.8 of the Zoning Regulations.*

In granting the above special permit application, the Commission states on its record that, in the Commission's judgment, the proposed project as conditioned and limited by this motion will conform to the requirements of the Rural District and that it satisfies the factors the Commission must consider in

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reviewing such amendments, as set forth in the Plan of Conservation and Development and the Zoning Regulations of the Town of Kent.

Rich Chavka seconded and the motion carried unanimously.

- 6.A.2.** Applications #12-18C and #13-18SP, High Watch Recovery Center, Inc. 54 Carter Road, Map 14 Block 22 Lot 6 and 62 Carter Road, Map 14 Block 22 Lot 7, two-story addition to existing administrative and clinical office; single-story addition and kitchen expansion to dining hall; and associated site work

Chairman Johnson opened the public hearing at 8:00 p.m. and read aloud the legal notice. The staff report regarding this proposal was distributed.

Attorney Joe Williams, came forward with CEO Jerry Schwab, Engineer John Mack, and Architect Paul Jorgensen. Attorney Williams discussed the plans for an addition of clinical office, kitchen expansion to dining hall and detoxification wing. He noted that there will be a new parking area and they will abandon existing parking, which will add a net increase of 43 parking spaces to the campus. He reported that the wetlands application permit is pending and has been continued to the next month. The proposal requires a small amount of wetland filling. #54 Carter Road would be merged with #62 Carter Road as part of this proposal

Jerry Schwab, CEO of High Watch, came forward and explained that two of the proposed buildings would comprise a detox facility. A couple years ago High Watch began taking insurance. In order to accommodate insurance requirements additional spaces are needed for staff expansion as they would like to develop other programs. High Watch is not intending to take on additional patients. This proposal would provide patients with the detox care 10 days prior to coming to the facility for the residential program. The lack of available detox has become a barrier to care. The proposal would increase need for an additional 16 employees.

Dean Petrucelli and Paul Jorgensen, Architects, came forward and reviewed the architectural plans with the group. The existing building is approximately 9300 square feet. The addition is comprised of 44,800 square feet over two levels. The lower level will consist of exam rooms, pharmacy, detox rooms, dining, offices, therapy rooms, and an atrium for lectures that seats 218. The upper level will be administrative offices, clinical offices, and a conference room. The courtyard area will be used as outdoor space for the detox residents. The space is spread over several slab on grade buildings that will be in keeping with the current High Watch campus architectural look.

The detox unit is approximately 5000 square feet and will be served by a private dining hall supplied by the main kitchen. There will be 6 detox rooms and a total of 12 beds at about 200 square feet per room.

John Mack, Professional Engineer, came forward with the site plan and reviewed the drainage and septic plans for the site. He noted that the TAHD and DEEP are reviewing the plans. Mr. Mack reviewed the parking plans noting that the parking spaces in the new lot are to accommodate the 200-seat conference center. Mr. Schwab reported that staff will continue to park behind the barn. The overall number of parking spaces is approximately 125 spaces. The majority of spaces are used for visitors or programing. The guests are traditionally dropped off. The new configuration will allow better control over who is on campus.

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It was noted that the total acreage of the site is 196 acres. The overall footprint of the campus is under 10 acres. Mr. Mack agreed to submit copies of the most recent engineered plans to the Land Use Office for the P&Z file.

Adam Manes commented that a 218-seat auditorium seems big. Vinny Roberti advised that currently the 135-seat auditorium is very uncomfortable. This would create more room and space for people to come for the family program. The proposal would create no more traffic than already exists. Additionally, it would be used for the yearly picnic and community events.

Richard Chavka asked for a review of the detox program. Jerry Schwab explained that currently patients go elsewhere for detox prior to coming to High Watch. Detox would eliminate the need for ambulance transportation to hospitals for those who arrive needing that kind of care. He explained that they already have State license to do this. Mr. Manes noted that this will require a change of use. Attorney Williams advised that this is not a new or different use. This should be considered the same as a hospital, clinic or similar institution.

Mr. Johnson reminded the group that they have heard a lot of discussion and testimony over the past 6 to 8 months regarding the impact of detox. It was noted that a Certificate of Need is not needed for the 12 beds; however, when additional beds are added it will be needed. Jerry Schwab commented that there are waivers available in lieu of a Certificate of Need.

Chairman Johnson explained that this Commission had testimony and tons of discussion regarding the intensification of a detox program, which requires a Change of Use. Attorney Williams advised that the additional detox service is in this application as it was included in the narrative letter.

Donna Hayes reported that Anchor Engineering has reviewed the plans for the IWC. She read some of the items of concern for the group. Mr. Mack agreed to revise the plans accordingly. Donna Hayes noted that the TAHD has asked to review the revised plan. Mrs. Hayes also recommended that the plans be submitted to the KVFD to review for access ability. Vinny Roberti reported that the landscaping plan will be submitted by the end of the month.

Mr. Chavka questioned whether there would be additional lighting. Paul Jorgensen reviewed parking and building lights noting that this was designed with an effort to keep the lighting low. It was confirmed that the current PA system will be slightly enlarged. Linda Palmer of 25 Carter Road confirmed that she can hear the PA system, generator and dinner bell from her property.

Derek Tranzillo, VP of Finance for High Watch, reported that they currently have 80 full time and 10 part time employees on staff. This proposal will create a need for an additional 16 employees.

Ms. Casey questioned the construction process. Vinny Roberti advised that there will be increased truck traffic for a short period of time. Paul Jorgensen estimated 9-10 months beginning in May 2018.

Anne McAndrew questioned the type community events to be held in the atrium/conference area. Jerry Schwab confirmed that there was some discussion of a Park and Recreation movie night or Chamber Meetings.

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Mr. Manes questioned the ASAM level High Watch will be with regard to their new detox program. Jerry Schwab reported that they would be operating at a 3.7 level of detox. He explained that any higher level would require an acute care hospital in the area.

Mr. Johnson asked Mr. Schwab to clarify his remark about the reduced need for ambulance as a result of this plan. Mr. Schwab confirmed that the need for ambulance will be reduced due to the detox facility on site. Mr. Schwab advised for Mr. Manes that approximately 75 percent of High Watch patients are alcoholics. He explained that it will not be their program to run a detox only facility. Patients will have to stay for residential care as well.

Donna Hayes discussed the need for a legal Change of Use and whether the applicant would prefer to wait to submit this request until after the addition is complete. Jerry Schwab explained that High Watch would not build the addition facility unless they could do detox.

Mr. Manes made the motion to continue the public hearing for applications #12-18C and #13-18SP, High Watch Recovery Center, Inc. 54 Carter Road, Map 14 Block 22 Lot 6 and 62 Carter Road, Map 14 Block 22 Lot 7, two-story addition to existing administrative and clinical office; single-story addition and kitchen expansion to dining hall; and associated site work. Ms. Casey seconded and the motion carried unanimously.

Daryl Cherniske was reseated.

6.B. DISCUSSION AND POSSIBLE DECISION

6.B.1. Interview of Frank Way for position on Architectural Review Board

Donna Hayes reported that Frank Way was present at the ARB meeting and the members are in favor of his appointment.

Mr. Manes made the motion to appoint Frank Way to the Architectural Review Board. Mr. Chavka seconded and the motion carried unanimously.

6.B.2. Application #14-18C, John E. Casey, Trustee, 3 Landmark Lane, change of use from office to restaurant, Map 19 Block 42 Lot 43.

Donna Hayes noted that this would be an expansion to the neighboring existing restaurant to allow for sit down dining.

Mr. Manes made the motion to approve application #14-18C, John E. Casey, Trustee, 3 Landmark Lane, change of use from office to restaurant, Map 19 Block 42 Lot 43. Mr. Chavka seconded and the motion carried unanimously.

7. STAFF REPORT: No action taken.

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 – reviewed

9.B. Monthly Financials – July '17 – Jan '18

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 9:44 p.m. Mr. Cherniske seconded and the motion carried unanimously.

Mr. Manes made a motion to exit executive session at 10:08 p.m. Mr. Cherniske 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.

No action taken

12. ADJOURNMENT

Mr. Manes moved to adjourn at 10:08 p.m. Ms. Casey seconded and the motion carried unanimously.

Respectfully submitted,

Tai Kern

Tai Kern,
Land Use Clerk

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