

**TOWN OF KENT**  
**PLANNING AND ZONING COMMISSION**  
41 Kent Green Boulevard  
P.O. Box 678  
Kent, CT 06757  
Phone (860) 927-4625 Fax (860) 927-4541

Rec'd + Filed 1/13/20  
@ 9:00 AM  
J. Brady, TC

**JANUARY 9, 2020 SPECIAL MEETING MINUTES**

The Town of Kent Planning and Zoning Commission held a special meeting on Thursday, January 9, 2020 at 7:00 p.m. in the Kent Town Hall.

**1. CALL TO ORDER**

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

**2. ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED**

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

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

Adam Manes was elevated to voting status.

**3. ELEVATION OF ALTERNATE TO MEMBER STATUS**

*Mr. Wyrick moved to elevate Alternate Adam Manes to a Regular Member to fill the term left open by John Johnson. Mr. Cherniske seconded and the motion carried unanimously.*

**4. ELECTION OF OFFICERS**

Vice Chairman Winter looked for nominations.

*Mr. Manes moved to elect Matt Winter as Chairman. Mr. Cherniske seconded and the motion carried unanimously.*

*Mr. Manes moved to elect Wes Wyrick as Vice Chairman. Mr. Cherniske seconded and the motion carried unanimously.*

*Mr. Manes moved to elect Marc Weingarten as Secretary/Treasurer. Mr. Wyrick seconded and the motion carried unanimously.*

**5. READING AND APPROVAL OF MINUTES:**

5.A. Regular Meeting Minutes of December 12, 2019.

*Mr. Manes moved to approve the Regular Meeting Minutes of December 12, 2019. Mr. Weingarten seconded and the motion carried unanimously.*

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**6. PUBLIC COMMUNICATIONS (ORAL): N/A**

**7. OLD BUSINESS:**

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

- 7.A.1.** Application #'s 90-19SP, 91-19C and 92-19F, The Kent School Corporation, 1 Macedonia Road, 4,500 sq. ft. addition to the existing "Admissions" building and associated site work, Map 4 Block 10 Lot 1.

Dave Bjorkland came forward and reviewed the revised plans noting the changes made to support the Fire Department's recommendations. He reported that a sidewalk was added to the plan and that the site plan shows the routing of the electrical line. A letter has been received from Anchor Engineering indicating that they have reviewed the revised plan and have no additional comments.

Donna Hayes reported the Fire Department's concerns about the turning radius near the guard shack. Mr. Bjorkland noted that he would agree to a specific radius as a condition of approval. Mrs. Hayes noted concerns with the location of the propane tank if driven upon. Joe Wolinski, Facilities Director, came forward and agreed to move the tank around the corner.

Gary Hock came forward and clarified the Fire Department's concerns with the turning radius. He agreed to provide the appropriate turning radius for the site plan.

*Mr. Manes moved to close the public hearing for application #'s 90-19SP, 91-19C and 92-19F, The Kent School Corporation, 1 Macedonia Road, 4,500 sq. ft. addition to the existing "Admissions" building and associated site work, Map 4 Block 10 Lot 1. Mr. Wyrick seconded and the motion carried unanimously.*

*Mr. Manes moved to accept the following resolution:*

*WHEREAS, Application #'s 90-19SP, 91-19C and 92-19F, The Kent School Corporation, 1 Macedonia Road, 4,500 sq. ft. addition to the existing "Admissions" building and associated site work, Map 4 Block 10 Lot 1 were submitted to the Land Use Office on October 30, 2019.*

*WHEREAS, the Planning and Zoning Commission (Commission) opened a public hearing on Application #'s 90-19SP, 91-19C and 92-19F on November 14, 2019.*

*WHEREAS, the Commission closed the public hearing on all applications on January, 09, 2020.*

*WHEREAS, the Commission conducted deliberations on the closed applications on January, 09, 2020.*

*WHEREAS, at the conclusion of deliberations, the Commission finds that the applications do not satisfy all of the relevant criteria for approval as submitted, but that they would satisfy those criteria if the following modifications, limitations and conditions are incorporated into an approval.*

*THEREFORE, BE IT RESOLVED, that upon a motion made by Mr. Manes and seconded by Mr. Weingarten, the Commission approves Application #'s 90-19SP, 91-19C and 92-19F subject to the following modifications, limitations and conditions:*

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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, this approval incorporates by reference all such factual representations as though expressly made conditions of this approval, except as may be modified by subsequent conditions of 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. *Special Permit Application #90-19SP, dated August 7, 2019 and received October 30, 2019.*
  - B. *Site Plan Application #91-19C, dated August 7, 2019 and received October 30, 2019.*
  - C. *Floodplain Permit Application #92-19F, dated October 23, 2019 and received October 30, 2019.*
  - D. *Cover Sheet entitled "Kent School Admissions" dated October 31, 2019, prepared by the S/L/A/M Collaborative.*
  - E. *Demolition Plans, Sheet AD-100, dated October 31, 2019, revised to January 7, 2020, and prepared by S/L/A/M Collaborative.*
  - F. *First Floor Plan, Sheet A-101, dated October 31, 2019 and prepared by S/L/A/M Collaborative.*
  - G. *Second Floor Plan, Sheet A-102, dated October 31, 2019 and prepared by S/L/A/M Collaborative.*
  - H. *Roof Plan, Sheet A-103, dated October 31, 2019 and prepared by S/L/A/M Collaborative.*
  - I. *Building Elevations, Sheet A-300, dated October 31, 2019 and prepared by S/L/A/M Collaborative.*
  - J. *Site Planting, Sheet L401, dated October 31, 2019 and prepared by S/L/A/M Collaborative.*
  - K. *Site Planting Details, Sheet L402, dated October 31, 2019 and prepared by S/L/A/M Collaborative.*
  - L. *Site Plan prepared for Kent School Corporation, Sheet S-1, dated August 13, 2019, revised to January 7, 2020, and prepared by Spath-Bjorklund Associates, Inc.*
  - M. *Erosion Control Plan prepared for Kent School Corporation, Sheet E-1, dated August 13, 2019, revised to January 7, 2020 and prepared by Spath-Bjorklund Associates, Inc.*
  - N. *Details prepared for Kent School Corporation, Sheet D-1, dated August 13, 2019, revised to January 7, 2020 and prepared by Spath-Bjorklund Associates, Inc.*
  - O. *Details prepared for Kent School Corporation, Sheet D-2, dated August 13, 2019, revised to January 7, 2020 and prepared by Spath-Bjorklund Associates, Inc.*
  - P. *Details prepared for Kent School Corporation, Sheet D-3, dated August 13, 2019, revised to January 7, 2020 and prepared by Spath-Bjorklund Associates, Inc.*
  - Q. *Demo Plan prepared for Kent School Corporation, dated December 10, 2019, revised to January 7, 2020 and prepared by Spath-Bjorklund Associates, Inc.*
  - R. *Schematic Site Plan prepared for Kent School Corporation, dated December 10, 2019, revised to January 7, 2020 and prepared by Spath-Bjorklund Associates, Inc.*

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2. *That before a zoning permit is issued, a revised site plan be submitted reflecting changes to the location of the underground propane tank and turning radius adjustments to enable access of fire and emergency services apparatus.*
3. *A letter of agreement from the Kent Volunteer Fire Department with regard to the emergency access to the complex must be submitted to the Land Use Office prior to the issuance of a Zoning Permit.*
4. *Any changes to information represented during this application process shall require a modification of this Special Permit. The Commission does not, by this condition, guarantee that it will approve any such modification.*
5. *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 shall be void and of no legal effect.*
6. *The violation of any of the conditions of this special permit approval may be grounds for revocation of the special permit pursuant to Section 10470.3 of the Zoning Regulations.*

*Mr. Weingarten seconded and the motion carried unanimously.*

#### **7.B. DISCUSSION AND POSSIBLE DECISION**

- 7.B.1. *Proposed Change to Town of Kent Zoning Regulations: addition of the definitions of: "Retail Stores"; "Retail Stores – Firearm/Ammunition"; "Firearm"; and "Ammunition" and the inclusion of "Retail Stores – Firearm/Ammunition" as a special permitted use under Sections 4124, 4224 and 4324.*

Mr. Weingarten recused himself. Ms. McAndrew was elevated to voting status.

Chairman Winter reminded the group that they discussed at the last meeting that this is a town character issue. Attorney Mike Zizka confirmed that the less restrictive change to the proposal as discussed would be legally acceptable.

Mr. Cherniske agreed that the change to the proposal is less restrictive. Mr. Winter noted that this allows for removing the technicalities within the definitions. Mr. Manes stated that he likes the idea of a special permit

Mr. Winter explained that this proposal separates firearm sales from retail and makes firearm sales permissible by special permit in all three commercial districts within the center of the town. Mr. Wyrick added that it does not prohibit or ban the sale of firearms, which he likes. Ms. Casey noted that she feels this is a fair compromise.

The group discussed the special permit process and whether special criteria should be applied. It was determined that the special permit process allows for each case to be examined by the Commission on its own merits.

*Mr. Manes moved to approve Proposed Change to Town of Kent Zoning Regulations: addition of the definitions of: "Retail Stores"; "Retail Stores – Firearm/Ammunition"; "Firearm"; and "Ammunition" and the inclusion of*

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#### **TOWN OF KENT PLANNING AND ZONING COMMISSION SPECIAL MEETING MINUTES FOR JANUARY 9, 2020**

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*"Retail Stores – Firearm/Ammunition" as a special permitted use under Sections 4124, 4224 and 4324. Mr. Wyrick seconded.*

Discussion: Ms. Hicks questioned the use of "starter gun" in the definition. The members agreed to amend the regulation to remove "starter gun" from the definition and further define "antique firearm" to include "as defined by ATF". Mr. Cherniske clarified for the record that all that is being changed is the definition of retail stores as a concept with this regulation.

*Mr. Manes read the following Resolution into the record:*

*RESOLVED: That the Kent Planning and Zoning Commission adopt the following definitions regarding retail stores, firearms and ammunition:*

*RETAIL STORES - Establishments engaged in the selling or rental of goods or merchandise manufactured by others (usually to the general public for personal use or household consumption, although they may also serve business or institutional clients) and in rendering services incidental to the sale of such goods. Such goods shall not include firearms or ammunition.*

*AND*

*RETAIL STORES – FIREARM/AMMUNITION: Establishments engaged in the selling of firearms and ammunition and associated services incidental to the sale of such goods.*

*DEFINITIONS:*

*FIREARM - (A) any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive;*

*(B) the frame or receiver of any such weapon; or*

*(C) any firearm muffler or firearm silencer.*

*Such term does not include an antique firearm as defined by the Bureau of Alcohol, Tobacco, Firearms and Explosives.*

*AMMUNITION - ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.*

*RESOLVED: That the Kent Planning and Zoning Commission adopt the following use as a Special Permit:*

***Under §4124 (Permitted by Special Permit [Commission with Public Hearing]) Village Commercial District:***

28. *Retail Stores - Firearm/Ammunition Sales*

***Under §4224 (Permitted by Special Permit [Commission with Public Hearing]) Business Hamlet District:***

17. *Retail Stores - Firearm/Ammunition Sales*

***Under §4324 (Permitted by Special Permit [Commission with Public Hearing]) Industrial District***

4. *Retail Stores - Firearm/Ammunition Sales*

*Motion carried unanimously.*

Marc Weingarten was reseated and Anne McAndrew stepped back to an alternate position.

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**7.B.2. Planning and Zoning Commission procedures per Chapter 124 and 126 of the Connecticut General Statutes.**

Chairman Winter reminded the group that this is on the agenda per Ms. Hicks request and questioned whether Ms. Hicks had an opportunity to review the information provided and had anything to report. She noted that the Statutes are nearly impossible to read. She did not find an answer as to why a member cannot vote via conference call. Donna Hayes reported that she was advised by the Town Attorney that this is not a practice that he would recommend as there is no case law to support the issue. Mrs. Hayes suggested that the members take advantage of the upcoming training session at the CoG on what is legally required.

**7.B.3. Approval of the August 10, 2018, version of the Planning and Zoning Commission By-Laws.**

A correction was noted in order to make the By-Laws gender neutral and a typo was corrected.

*Mr. Manes moved to accept changes and approve the balance of the August 10, 2018, version of the Planning and Zoning Commission By-Laws. Mr. Cherniske seconded and the motion carried unanimously.*

Donna Hayes agreed to distribute the revised version to the members.

**8. NEW BUSINESS:**

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

**8.B. DISCUSSION AND POSSIBLE DECISION**

**8.B.1. Modification to Applications #106-18SP and 107-18C, by High Watch Recovery Center, Inc., for 54 Carter Road (Map 14 Block 22 Lot 6); 62 Carter Road (Map 14 Block 22 Lot 7); and the 15.48-acre unimproved parcel of land (Map 14 Block 21 Lot 23, Parcel I.D. #1486) abutting the northerly line of Carter Road and the southeasterly line of 47 Carter Road, for a special permit and site plan approval for the following: Construction of two-story addition (including offices, 218-seat lecture hall and 12-bed detoxification wing) to existing administrative and clinical office building at 62 Carter Road; single story addition and kitchen expansion to dining hall at 62 Carter Road; addition of detoxification service at 62 Carter Road; increase in total residential in-patient bed count from 78 to 90 at 62 Carter Road; conducting therapeutic activities (including temporary housing of staff) associated with the treatment of drug and alcohol addiction at 54 Carter Road; constructing expanded landscaping/vegetative screening, driveway entrance, parking area, retaining wall and stormwater detention basin at 54 Carter Road and 62 Carter Road; constructing new septic system on Parcel I.D. #1486; and associated site work on all three parcels. **Modification to include the relocation of the drainage basin (PKA 54 Carter Road, Map 14 Block 22 Lot 6), removal of approximately 100' of retaining wall and construction of smaller modular block wall (62 Carter Road, Map 14 Block 22 Lot 7).****

Ted Hart, PE for Milone & MacBroom came forward and reviewed the proposal to modify the plan to move the retention basin and remove the large retaining wall. A smaller retaining wall will be located on the backside facing toward the wetlands. These changes have been approved by the IWC and Anchor Engineering. It was clarified that in place of the large wall there will be grading. The members discussed concerns with public safety if someone was to walk along the smaller retaining wall and the applicant agreed to take appropriate safety precautions. The Commission agreed that this proposal is less invasive than the original proposal.

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*Mr. Manes moved to approve the modification to applications #106-18SP and 107-18C, by High Watch Recovery Center, Inc., for 54 Carter Road (Map 14 Block 22 Lot 6); 62 Carter Road (Map 14 Block 22 Lot 7); and the 15.48-acre unimproved parcel of land (Map 14 Block 21 Lot 23, Parcel I.D. #1486) abutting the northerly line of Carter Road and the southeasterly line of 47 Carter Road, for a special permit and site plan approval for the following: Construction of two-story addition (including offices, 218-seat lecture hall and 12-bed detoxification wing) to existing administrative and clinical office building at 62 Carter Road; single story addition and kitchen expansion to dining hall at 62 Carter Road; addition of detoxification service at 62 Carter Road; increase in total residential in-patient bed count from 78 to 90 at 62 Carter Road; conducting therapeutic activities (including temporary housing of staff) associated with the treatment of drug and alcohol addiction at 54 Carter Road; constructing expanded landscaping/vegetative screening, driveway entrance, parking area, retaining wall and stormwater detention basin at 54 Carter Road and 62 Carter Road; constructing new septic system on Parcel I.D. #1486; and associated site work on all three parcels. **Modification to include the relocation of the drainage basin (PKA 54 Carter Road, Map 14 Block 22 Lot 6), removal of approximately 100' of retaining wall and construction of smaller modular block wall (62 Carter Road, Map 14 Block 22 Lot 7) with the condition that there is appropriate barrier on tallest portion.** Mr. Cherniske seconded and the motion carried unanimously.*

**8.B.2. Cease and Desist Order #01-2020, Kent Center, LLC, 10 North Main Street, Map 19 Block 42 Lot 29, failure to remove illegal signage.**

Donna Hayes reported on the status of this violation and explained that the site plan approval can be rescinded as a result of a violation; thereby, voiding the building permit. She reported that the temporary event posters were removed; however, the sign framing remains. The Commission will need to determine whether the sign sleeves themselves are defined as signage.

Ms. McAndrew noted that enforcement should be equally applied throughout the town.

*Mr. Manes moved to keep in force the Cease and Desist Order #01-2020, Kent Center, LLC, 10 North Main Street, Map 19 Block 42 Lot 29, failure to remove illegal signage and require the property manager to remove the framing that held the signs. Vote 3-4 motion failed. Opposed Manes, Winter, Casey, Weingarten*

The Cease and Desist is lifted.

**9. STAFF REPORT:** No action taken.

**10. REPORT OF OFFICERS AND COMMITTEES:** No action taken.

**11. OTHER COMMUNICATIONS AND CORRESPONDENCE:**

- 11.A.** Administrative Permits and Certificates of Compliance – November 12 to December 6, 2019.  
Received and reviewed.

**12. ADJOURNMENT**

*Mr. Wyrick moved to adjourn at 9:02 p.m. Mr. Manes seconded and the motion carried unanimously.*

Respectfully submitted,

Tai Kern  
Tai Kern, Land Use Clerk

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