

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

DECEMBER 10, 2020 REGULAR MEETING MINUTES
VIA ZOOM CONFERENCE

The Town of Kent Planning and Zoning Commission held a regular meeting on Thursday, **December 10, 2020 at 7:00 p.m.**

1. CALL TO ORDER

Chair Winter called the meeting to order at 7:03 p.m.

2. ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED

Commissioners Present: Matthew Winter, Karen Casey, Adam Manes, Darrell Cherniske
Alice Hicks, David Birnbaum, Wes Wyrick, Anne McAndrew

Anne McAndrew was elevated to voting status.

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

3. READING AND APPROVAL OF MINUTES:

3.A. Regular Meeting Minutes of November 12, 2020.

Mr. Manes moved to approve the Regular Meeting Minutes of November 12, 2020. Mr. Cherniske seconded and the motion carried unanimously.

Mr. Wyrick moved to hear agenda item 5.B.2 after 6.A.2. Mr. Manes seconded and the motion carried unanimously.

4. PUBLIC COMMUNICATIONS (ORAL):

N/A

5. OLD BUSINESS:

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

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5.B. DISCUSSION AND POSSIBLE DECISION

5.B.1. Planning schedule for the rewrite of the Subdivision Regulations dated June 1, 1995.

Mr. Manes moved to continue the planning schedule for the rewrite of the Subdivision Regulations until the next meeting. Mr. Wyrick seconded and the motion carried unanimously.

6.A.2. Application # 83-20SP, Richard and Carolyn Ziegler, 24 Spaulding Farms Lane, Map 12 Block 35 Lot 13, addition of an accessory dwelling to existing detached 2-car garage accessory structure located less than 100' from the front property line.

Chair Winter opened the public hearing at 7:10 p.m. and read the legal notice of this hearing. The members reviewed the Regulations and determined Section 6200.7 applies to this application; therefore, screening is required for this proposal.

Mr. Winter noted that the existing screening on the cul-de-sac looks adequate. Mr. Ziegler came forward and described the current screening to be dense lilacs. It was noted that in accordance with the Regulations evergreen screening is required.

Donna Hayes noted that a condition of approval should include the removal of the existing kitchen permitted by the first Special Permit so that this cannot be considered a two-family house.

Mr. Wyrick moved to close public hearing for application # 83-20SP, Richard and Carolyn Ziegler, 24 Spaulding Farms Lane, Map 12 Block 35 Lot 13, addition of an accessory dwelling to existing detached 2-car garage accessory structure located less than 100' from the front property line. Mr. Manes seconded and the motion carried unanimously.

Mr. Manes moved to approve application # 83-20SP, Richard and Carolyn Ziegler, 24 Spaulding Farms Lane, Map 12 Block 35 Lot 13, addition of an accessory dwelling to existing detached 2-car garage accessory structure located less than 100' from the front property line with the condition that two evergreen plantings for screening are added and with the stipulation that only one kitchen is permitted. Mr. Cherniske seconded and the motion carried unanimously.

5.B.2. Application 73-20C, Richard and Carolyn Ziegler, 24 Spaulding Farms Lane, Map 12 Block 35 Lot 13, addition of an accessory dwelling to existing detached 2-car garage accessory structure in HorizonLine Conservation District.

It was noted that this was discussed in depth at the last meeting and the Ziegler's have provided photographs showing that this will not affect the horizon line.

Mr. Wyrick moved to approve waivers requested for application 73-20C, Richard and Carolyn Ziegler, 24 Spaulding Farms Lane, Map 12 Block 35 Lot 13, addition of an accessory dwelling to existing detached 2-car garage accessory structure in HorizonLine Conservation District. Mr. Manes seconded and the motion carried unanimously.

The members agreed that it does not appear that this structure will be visible within the horizon line.

Mr. Manes moved to approve application 73-20C, Richard and Carolyn Ziegler, 24 Spaulding Farms Lane, Map 12 Block 35 Lot 13, addition of an accessory dwelling to existing detached 2-car garage accessory structure in HorizonLine Conservation District. Mr. Wyrick seconded and the motion carried unanimously.

- 5.B.3.** 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. **Modifications to include: expansion of the flush curb access at accessible parking spaces; reduce the number of stairs at the main entry from 9 to 4 risers; reduce the height of the stone veneered retaining wall along the east side of the parking lot by 3 ' along its entire length; the addition of new 2 'high fieldstone wall between the two parking areas; revise the height of the modular block wall at the southwest corner by raising it 1 'for approximately 55 linear feet; the raising of the top frames and inlets of the utility structures; minor revisions to the sloped grades facing the northwest; construction of a bump-out to the west of the main entry drive allowing for the addition of a small median island to house the entry communication box.**

Cherniske and Wyrick recused themselves. Alternate David Birnbaum was seated as a voting member.

Donna Hayes reported that the KVFD signed-off to approve this modification. It was noted that all other aspects of this modification were discussed at the last meeting.

Mr. Manes moved to approve 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

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associated site work on all three parcels. Modifications to include: expansion of the flush curb access at accessible parking spaces; reduce the number of stairs at the main entry from 9 to 4 risers; reduce the height of the stone veneered retaining wall along the east side of the parking lot by 3' along its entire length; the addition of new 2' high fieldstone wall between the two parking areas; revise the height of the modular block wall at the southwest corner by raising it 1' for approximately 55 linear feet; the raising of the top frames and inlets of the utility structures; minor revisions to the sloped grades facing the northwest; construction of a bump-out to the west of the main entry drive allowing for the addition of a small median island to house the entry communication box. Mr. Birnbaum seconded

Discussion: Donna Hayes confirmed for Chairman Winter that there are no wetland issues with this modification. Anne McAndrew asked for confirmation that the largest fire truck can round the corner. The members determined that the dimensions seem appropriate and they would have to trust the KVFD's approval regarding this matter. The motion carried unanimously.

It was agreed that the Commission should have an annual meeting with the KVFD to assure that clear communication and adequate response is received to questions regarding applications going forward.

Cherniske and Wyrick were reseated.

6. NEW BUSINESS:

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

- 6.A.1.** Application #'s 81-20C and 82-20SP, Campland, Inc., 70 Kenmont Road, Map 15 Block 22 Lot 106, after the fact construction of two waterside sheds for weather protection.

Chairman Winter read the legal notice of the public hearing and opened the hearing at 8:31 p.m.

Donna Hayes reported that two large sheds were built by the lake without a permit. The Inland Wetlands Commission requested that a Notice of Violation be issued with regard to this matter. Mrs. Hayes recommended that this item be tabled until the Inland Wetlands Commission has made a determination. Donna Hayes reported that the sheds are 14x30.

An agent for Campland reported that one shed was a replacement for an existing shed and an additional shed was added. They are for changing and cover from the weather. He stated that he was unaware a permit was needed.

Chairman Winter asked for photos of the sheds as well as photos of the shed that was replaced.

Mr. Wyrick moved to table Application #'s 81-20C and 82-20SP, Campland, Inc., 70 Kenmont Road, Map 15 Block 22 Lot 106, after the fact construction of two waterside sheds for weather protection. Mr. Manes seconded and the motion carried unanimously.

6.B. DISCUSSION AND POSSIBLE DECISION

6.B.1. Club Getaway – holding of music concerts

Donna Hayes reported that she was approached regarding this proposal as to whether this would be a possible way to keep their business viable. She noted that this would require the Special Permit. She agreed to do a little more research. The Commission agreed to table until David Scriber can be present.

Mr. Wyrick moved to table Club Getaway – holding of music concerts. Mr. Manes seconded and the motion carried unanimously.

6.B.2. Approval of By-Laws

Mr. Manes moved to approve By-Laws. Mr. Wyrick seconded and the motion carried unanimously.

6.B.3. Election of Officers

Mr. Manes moved to re-elect the current slate of officers; Matthew Winter as Chair, Wes Wyrick as Vice Chair and Marc Wintergarten as Secretary. Ms. Casey seconded and the motion carried unanimously.

6.B.4. 2022 POCD

Donna Hayes reported that a new PoCD must be adopted in 2022. The Commission agreed that this is something that should be specific to Kent and not boiler plate POCD done by the COG. She suggested that affordable housing, the railway and cell towers be addressed.

Chair Winter suggested that they start this process by inviting all stake holders (implementation participants) to make comments regarding prospective changes to the POCD.

Mr. Manes moved to begin communications and request comments from stake holders regarding the POCD. Ms. Hicks seconded and the motion carried unanimously.

6.B.5. Appointment of Derek Larson to the ARB for a term ending August 10, 2021.

Donna Hayes reported that Mr. Larson is in the design field and was present at the last ARB meeting. She feels he may be a good addition. Anne McAndrew noted she knows Mr. Larson and agreed he would make a good addition to the ARB.

Mr. Wyrick moved to appoint Derek Larson to the ARB for a term ending August 10, 2021. Mr. Manes seconded and the motion carried unanimously.

6.B.6. David R. Wilson, PE for Lee and Stephanie Spiegel, Lot Line Revision, 36 Spectacle Ridge Road, Map 16 Block 25 Lot 36 and 0 Spectacle Ridge Road, Map 16 Block 25 Lot 38.

Donna Hayes reported that the Spiegels are selling their property. They have a house on one lot and a barn on another. They are reconfiguring the lots so that the barn and house will be together on one lot.

David Wilson came forward and reviewed the lots in the subdivision with the Commission. It was confirmed that the setbacks for the barn will not be affected.

Mr. Cherniske moved to approve David R. Wilson, PE for Lee and Stephanie Spiegel, Lot Line Revision, 36 Spectacle Ridge Road, Map 16 Block 25 Lot 36 and 0 Spectacle Ridge Road, Map 16 Block 25 Lot 38. Mr. Manes seconded and the motion carried unanimously.

6.B.7. Paul Szymanski, P.E., Informal Discussion regarding Conservation Development.

Paul Szymanski came forward and explained that they have a client who wishes to do a conservation subdivision and found some inconsistencies between the Subdivision and Conservation Subdivision Regulations. He agreed to provide a list of the inconsistencies. The minimum lot requirement, lot size requirement, and front yard setbacks are a couple of the inconsistencies. Mr. Szymanski explained that they would like have 12 lots on 13 acres and preserve 40 percent of the property. The Commission discussed the possibility of revising the Subdivision Regulations noting that specifically Section 5 would need consideration.

7. STAFF REPORT:

N/A

8. REPORT OF OFFICERS AND COMMITTEES:

8.A. Subdivision Regulation Sub-Committee -

Previously tabled

9. OTHER COMMUNICATIONS AND CORRESPONDENCE:

9.A. Administrative Permits and Certificates of Compliance – November 16 – December 4, 2020. Confirmed received.

9.B. Monthly Financials – July through October, 2020 - Confirmed received.

10. EXECUTIVE SESSION: Pending Litigation: High Watch Recovery Center, Inc. v Town of Kent Planning and Zoning Commission in Superior Court, Judicial District of Litchfield at Torrington dated November 27, 2020. Discussion of strategy and negotiations with legal counsel.

Wyrick and Cherniske recused themselves. David Birnbaum was seated as a voting member.

Mr. Manes moved to enter into Executive Session at 10:06 p.m. regarding High Watch Recovery Center, Inc. Town of Kent Planning and Zoning Commission in Superior Court, Judicial District of Litchfield at Torrington dated November 27, 2020. Discussion of strategy and negotiations with legal counsel. Mr. Wyrick seconded and the motion carried unanimously.

Mr. Manes moved to exit Executive Session at 10:14 p.m. regarding High Watch Recovery Center, Inc. v Town of Kent Planning and Zoning Commission in Superior Court, Judicial District of Litchfield at Torrington dated November 27, 2020. Discussion of strategy and negotiations with legal counsel. Mr. Wyrick seconded and the motion carried unanimously.

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11. Open session involving discussion and possible action on Pending Litigation: High Watch Recovery Center, Inc. v Town of Kent Planning and Zoning Commission in Superior Court, Judicial District of Litchfield at Torrington dated November 27, 2020.

Mr. Manes moved to follow the recommendations of the Attorney and have Donna Hayes report back to the Commission as this matter progresses. Ms. Casey seconded and the motion carried unanimously.

ADJOURNMENT

Mr. Manes moved to adjourn at 10:16 p.m. Mr. Cherniske seconded and the motion carried unanimously.

Respectfully submitted,

Tai Kern

Tai Kern, Land Use Clerk