



RECEIVED

By Darlene Brady at 11:18 am, Nov 10, 2020

TOWN OF KENT
PLANNING AND ZONING COMMISSION
41 Kent Green Boulevard, P.O. Box 678, Kent, CT 06757

REGULAR MEETING AGENDA

Thursday, November 12, 2020

7:00 p.m.

Meeting to be held via Zoom: <https://us02web.zoom.us/j/86103996011>

Meeting I.D.: 861 0399 6011

Dial in to: 1 646 558 8656

1. CALL TO ORDER

2. ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED

3. READING AND APPROVAL OF MINUTES:

3.A. Regular Meeting Minutes of October 8, 2020.

4. PUBLIC COMMUNICATIONS (ORAL):

5. OLD BUSINESS:

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

5.A.1. Application #51-20SP and 52-20C, Vincent Roberti, Jr. for High Watch Recovery Center, Inc., 47 Carter Road, Map 14 Block 21 Lot 17, construction of 30' x 70' greenhouse.

5.B. DISCUSSION AND POSSIBLE DECISION

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

6. NEW BUSINESS:

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

6.B. DISCUSSION AND POSSIBLE DECISION

6.B.1. Approval of 2021 Planning & Zoning Regular Meeting Calendar

6.B.2. Five Year Capital Plan Project Requests

6.B.3. Application #74-20C, Terry Crowe Deegan of Woodford's General Store, LLC, for Kent Center, LLC, 9 Maple Street (3 Old Barn Road), Map 19 Block 42 Lot 35, change of use from office to retail.

6.B.4. Application #75-20C, Wyrick & Associates for Pamela Davis, Kenmont Road, Map 15 Block 22 Lot 95, construction of single-family dwelling, detached garage, future swimming pool, driveway, septic, well and associated site work in HorizonLine Conservation District.

6.B.5. 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.

6.B.6. 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.**

7. STAFF REPORT:

8. REPORT OF OFFICERS AND COMMITTEES:

8.A. Subdivision Regulation Sub-Committee

9. OTHER COMMUNICATIONS AND CORRESPONDENCE:

9.A. Administrative Permits and Certificates of Compliance – October 5 – November 6, 2020.

9.B. Monthly Financials – July through September, 2020

9.C. Connecticut Federation of Planning and Zoning Agencies; *Quarterly Newsletter*, Fall 2020

ADJOURNMENT

3A

**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

**OCTOBER 8, 2020 REGULAR MEETING MINUTES
VIA ZOOM CONFERENCE**

The Town of Kent Planning and Zoning Commission held a regular meeting on Thursday, October 8, 2020 at 7:00 p.m.

1. CALL TO ORDER

Chairman Winter called the meeting to order at 7:01 p.m.

2. ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED

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

David Birnbaum and Anne McAndrew were elevated to voting status.

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

3. READING AND APPROVAL OF MINUTES:

3.A. Regular Meeting Minutes of September 10, 2020.

Mr. Weingarten moved to approve the Regular Meeting Minutes of September 10, 2020. Mr. Manes seconded 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):

Mr. Cherniske recused himself.

5.A.1. Application #51-20SP and 52-20C, Vincent Roberti, Jr. for High Watch Recovery Center, Inc., 47 Carter Road, Map 14 Block 21 Lot 17, construction of 30' x 70' greenhouse.

Chairman Winter re-opened the public hearing. Donna Hayes read aloud letters from Rubin and Dolores Miller and Jerry Miller. She reminded the group that the letter Mr. Perrillo submitted in response to the questions gathered at the first public hearing was previously submitted.

**TOWN OF KENT PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES FOR OCTOBER 8, 2020**

These are draft minutes. Corrections may be made by the Commission at the subsequent meeting.
Please refer to subsequent meeting minutes for possible corrections and approval of these minutes.

RECEIVED FOR RECORD
KENT TOWN CLERK
OCT 13 P 3 21
BY [Signature] TOWN CLERK

The floor was opened to the applicant. Jason Perrillo, Vice President of Communications, came forward and stated that the use of the hoop house or farm is not therapeutic in nature. The goal is to be more self-sustaining. The property will be farmed primarily by staff and residents at 47 Carter Rd.

The floor was opened to the public:

Ellen Altfest questioned whether the Land Use Attorney commented on if this matter should be before the ZBA.

Sharon Songal asked whether 100% of produce grown will be used at High Watch. Mr. Perrillo advised that they would utilize 100 percent on site.

Ellen Altfest noted that she feels this expansion is overriding the Regulation put in place to prevent further expansion. They were supposed to have to show hardship to the ZBA for anything furthering the expansion on a nonconforming use. She feels this hoop house is much more than it appears to be. The Commission should stick to what was agreed upon in February. This proposal is a continuation of creep.

Marc Weingarten asked for clarification of what Ms. Altfest was discussing. Chairman Winter explained this could be considered an expansion of a pre-existing non-conformity due to nonconforming use of the property established in the Regulations.

Karen Altfest questioned why there is a sign for High Watch at the end of Carter Rd. larger than the street sign and asked whether this was approved. She counted 22 trucks the other day, which she stated is a lot for Carter Rd. This has taken over. It is a Godzilla next door. It has spread out like something with a lot of tentacles. People are constantly stopping at her house asking for directions. There is no room for them on their own road.

Mr. Perrillo noted that they do not expect to hire any additional staff for the hoop house.

Rob Colvin commented on the number of trucks on the road and the dangers of the large trucks. He feels there is some double speak going on regarding High Watch being self-sustaining. The neighborhood is tired of having to push back this constant enterprise. He would like for the "yeses" to stop from this Commission. This should be "no". It should have been "no" a long time ago.

David Birnbaum asked about the hydrant in the greenhouse. Vinny Roberti explained there will be a cold water line that will come from the horse barn for irrigation purposes.

Alice Hicks quoted a letter noting a therapeutic agricultural program and guests working in kitchen. She asked for clarification. Jason Perrillo reported that part of therapy is horticultural. They have staff that farm and also have guests that farm the property along side of staff as part of their therapy.

Donna Hayes discussed High Watch's website advertising the Hope House Farm and Farm Stand. She noted that the website says one thing and letter states something else. Jason Perrillo explained that Hope House is what they call 47 Carter Rd. They do not have a farm stand, nor do they intend to. That needs to be removed from the website.

Adam Manes reminded Mr. Perrillo that at the last meeting Vinny Roberti stated that there may be a farm stand and the website concurs; however, now you are saying this was never intended. Mr. Manes also reminded the applicants that every time High Watch comes before the Commission any expansion it is always supposed to be the last one per High Watch's testimony. This rural area is quickly not becoming rural. He does not know where High Watch ever plans on ending. He would like to know what their future plans are.

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Mr. Perrillo stated that their plans are to build a 30x70 hoop house.

Marc Weingarten noted that it is unclear whether the hoop house is part of the therapy or not. Mr. Perrillo stated that the reason for this hoop house is to provide to the kitchen across the street. It is conceivably possible that therapeutic uses can be conducted in there, but that is not the goal.

Anne McAndrew asked how many people live at Hope House. Vinny Roberti reported that 6 people live there. Donna Hayes noted that this is a residence. High Watch never came before the Commission to have anyone in the house. If this is a sober house, the ADA comes into play, the Commission cannot get involved.

Matt Winter stated this to be the crux of this discussion; whether the use of this parcel is accessory to the use at 62 Carter Rd.

Karen Casey stated that the Commission already approved this property as an accessory use. She feels the hoop house should be allowed; however, they should be told to stop after that.

Lew Altfest noted that what he is hearing there is no limit to expansion. He feels Kent has worked with High Watch because they do good work. However, there are other towns they can expand to as a second location. Kent is overloaded. They are destroying a neighborhood. Someone has to be firm with these people.

Ellen Altfest finds this to be an expansion regardless of whether it is an approved use. It is very important to hear from the attorney regarding this matter.

Mr. Weingarten moved to close the public hearing at 9:42 pm for application #51-20SP and 52-20C, Vincent Roberti, Jr. for High Watch Recovery Center, Inc., 47 Carter Road, Map 14 Block 21 Lot 17, construction of 30' x 70' greenhouse. Mr. Manes seconded and the motion carried unanimously.

Matt Winter noted that this parcel is accessory use to the High Watch program. Any expansion to that use is not permitted. The question is that is this an expansion to the use. There shall be no expansion to this pre-existing nonconforming use per the Zoning Regulations and the matter would have to go to the Zoning Board of Appeals.

Mr. Perrillo stated that this proposal is integral to their operation. He stated that this is a confirmation that this is an accessory use. The Land Use Attorney's opinion was discussed. Mr. Winter noted that the question is whether the use is an accessory or stand alone. Ms. Hicks stated that the "therapeutic" portion of the use is most important to understand.

David Birnbaum noted that it seems there has been some aspect of farming ongoing on this property. The existing agricultural does not seem like an intensification.

Adam Manes explained that he does not disagree with Mr. Birnbaum's statement or the right to farm; however, the ongoing intensification is the issue.

Marc Weingarten noted that he would be opposed if this increased traffic or if a farm stand was part of the proposal. This is not an expansion of the therapy, it is a continuation of the therapy. David Birnbaum agreed that a farm stand would be a clear need for ZBA approval.

Mr. Winter explained that to be clear this would need to be deemed a non-intensification. The original resolution for the accessory use of this property was questioned. Anne McAndrew noted that they are selling the honey on their website; therefore, they are tiptoeing over the line.

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The group considered whether this should be before the ZBA and determined that the P&Z Commission should make this decision. This is not an expansion of a nonconforming use.

The group asked for a more formal response from the attorney, a resolution of approval and denial drafts, and previous approval for 47 Carter Rd. to all be available at the next meeting.

Mr. Manes moved to continue discussion of Application #51-20SP and 52-20C, Vincent Roberti, Jr. for High Watch Recovery Center, Inc., 47 Carter Road, Map 14 Block 21 Lot 17, construction of 30' x 70' greenhouse. Mr. Weingarten seconded and the motion carried unanimously.

Darrell Cherniske was reseated.

5.B. DISCUSSION AND POSSIBLE DECISION

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

6. NEW BUSINESS:

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

6.B. DISCUSSION AND POSSIBLE DECISION

Mr. Manes moved to move agenda item 6.B.2 to the top of the agenda. Mr. Weingarten seconded and the motion carried unanimously.

6.B.2. Temporary Modification to Application 11-16C, 45 North Main Street, Map 19 Block 15 Lot 14, Kent Coffee & Chocolate for Kevin Hart & Quarter Mile, LLC: Modification to allow drive-thru window during COVID-19 pandemic.

Donna Hayes reminded the Commission that they permitted the drive through window when it was too cold to have tables outside during the pandemic. This is a small space not conducive for people going into the store.

Sharon Songal came forward and explained that they would like to stay in business this winter season by using the drive through window. People would be allowed to be in the store three at a time and the drive up would be allowed to be used as well.

Anne McAndrew noted her concerns that people also use the window as a walk up. Sharon Songal explained that they have had it as both, but this might be because the store was not open. She would be happy to put a sign up stating that this is a drive-thru window only.

Mr. Winter reminded the applicant that the express condition of the original letter was that the area would be restored once the order was lifted. He noted that the tubs blocking the drive-thru were never returned. Ms. Songal explained that she did not realize she was not complying. The planters were being used to protect the outdoor seating.

TOWN OF KENT PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES FOR OCTOBER 8, 2020

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Chairman Winter reminded the Commission that they should be prepared to make concessions to other businesses as well. This drive-thru makes sense because the building is conducive to it; however, it is not allowed. This would be a pandemic related decision.

Alice Hicks noted that this is a slippery slope. She advised that the Commission should be prepared for many unusual applications as winter approaches and many businesses will be losing business. People are not happy to go inside during the pandemic.

Mr. Manes moved to approve Temporary Modification to Application 11-16C, 45 North Main Street, Map 19 Block 15 Lot 14, Kent Coffee & Chocolate for Kevin Hart & Quarter Mile, LLC: Modification to allow drive-thru window during COVID-19 pandemic until February 11, 2021. Mr. Weingarten seconded

Discussion: The drive-thru shall be converted back to original condition including planters as barriers to the drive-thru.

The motion carried 7-0-1. Alice Hicks abstained.

Darrell Cherniske recused himself.

6.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. Modifications to include: pavement of existing dirt path on the northerly side of the dining hall; installation of small "smoking pad" on the southerly side of the dining hall; and, the use of bluestone instead of bituminous for the walkways.

Donna Hayes explained that this was referred to the Commission to determine whether this should go to public hearing. This is for changes to the sidewalks that lead to the hall, to enlarge the patio and change walls to a tiered formation.

Jason Perrillo shared his screen to review the change to the proposal. The main sidewalk will be widened to 10 feet. The sidewalk will be extended along the access road. The patio will be expanded and walkway shifted away from the septic. The walkway will be changing from asphalt to heated bluestone material. The roof overhang will be expanded to link the two existing overhangs. None of these changes will be visible. The single 10-foot wall will be two, tiered 5-foot walls to make it more visually pleasing.

Mike Doherty of Milone and MacBroom noted that the lower tiered wall will remain in the original location. The upper wall will have safety fencing.

**TOWN OF KENT PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES FOR OCTOBER 8, 2020**

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The Commission determined that a public hearing was not warranted for these changes.

Mike Doherty reviewed planting plan for the walls. Approximately 30-inch tall perennials will be used. He confirmed that emergency service access routes will remain the same.

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 associated site work on all three parcels. Modifications to include: pavement of existing dirt path on the northerly side of the dining hall; installation of small "smoking pad" on the southerly side of the dining hall; and, the use of bluestone instead of bituminous for the walkways. Mr. Weingarten seconded and the motion carried unanimously.

Darrell Cherniske was reseated.

6.B.3. Preliminary discussion; Stacey Spence, 235 Bulls Bridge Road, Map 6 Block 11 Lot 3, operation of home occupation in accessory building located in Business Hamlet District.

Donna Hayes reported that Ms. Spence would like to run a wholesale bakery business out of a detached garage on this property. This is best described as a minor home occupation; however, that is permitted in a dwelling unit and not an accessory building. It was confirmed that her intention is not to have a retail space.

The Commission determined that this comes down to traffic and size to determine whether this is a minor or major home occupation. The Commission advised that Donna Hayes can make this determination without this coming to the Commission.

7. STAFF REPORT:

7.A. Proposal to Board of Selectmen for the creation of a Town Ordinance regarding food trucks.

Donna Hayes noted that a food truck is a temporary structure; therefore, not a zoning matter. Most towns tackle this under the Selectman's Office via an ordinance. She would like the Commission's support to ask the Selectmen to draft an ordinance to handle future food truck requests.

Anne McAndrew stated she feels strongly that food trucks do not belong in town. Donna Hayes explained that under this proposal the townspeople would make this decision when approving or denying the ordinance.

Matt Winter agreed that food trucks are not a permanent fixture.

**TOWN OF KENT PLANNING AND ZONING COMMISSION
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Karen Casey agreed this should be under the Selectmen's purview. The Chamber of Commerce should be encouraged to be involved.

Alice Hicks reminded the Commission that they regulate trailers. It was noted that food trucks move from property to property; whereas, trailers would tend to remain on a property for construction or storage. The trailer regulation is not business related.

The group agreed that going forward food trucks should no longer under the purview of Planning and Zoning. Any further inquiries should be handled by the Selectmen's Office.

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 -- September 8 -- October 2, 2020.

Chairman Winter discussed Certificate of Compliance for the art storage building. He does not recall the Commission approving phasing of this project and is happy to hear the other portion of the project is underway.

9.B. Monthly Financials -- July through August, 2020 - reviewed.

ADJOURNMENT

Mr. Manes moved to adjourn at 10:40 p.m. Mr. Weingarten seconded and the motion carried unanimously.

Respectfully submitted,

Tai Kern

Tai Kern, Land Use Clerk

**TOWN OF KENT PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES FOR OCTOBER 8, 2020**

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Michael A. Zizka <zizka@halloransage.com>
To: Donna Hayes <landuseadmin@townofkentct.org>

Thu, Sep 24, 2020 at 3:41 PM

Donna,

5A.1

This is a complicated question because of the reported history and current uses of the parcel. The letter from Jason Perillo says that the property was once used a farm and that High Watch acquired it in part to continue that use. It also sounds as though High Watch has maintained that use to at least a limited extent, even though it has added therapeutic uses. So although the proposed greenhouse would be used to produce food for the main facility, the use would actually be consistent with a farming use and, in that sense, would be compatible with the agricultural uses allowed in the rural zone.

For the most part, structures associated with a farm require only a zoning permit under Section 3232. However, the property is no longer strictly a farm, even if it is being partly used for agriculture. But I think it can reasonably be deemed to involve no more than an intensification of the existing non-farm uses. Certainly, if the area proposed for the greenhouse was just going to be tilled and planted, I doubt anyone would think twice about it. The main difference, then, is that a structure is involved and the food produced would be destined for the "other" use.

Given all those facts, I think it's most reasonable to view the proposal as a potentially allowable intensification of a now nonconforming use. But because the use is nonconforming and because the new facility would have been subject to special permit review under the old regulations, it makes sense to treat this as a special permit application. That would allow the P&ZC to examine the proposal in detail and to establish any conditions necessary to assure that the new use would not go beyond what has been proposed on paper and to analyze any off-site impacts it may cause.

Best regards,

Mike

[Quoted text hidden]

Donna Hayes <landuseadmin@townofkentct.org>
To: "Michael A. Zizka" <zizka@halloransage.com>

Thu, Sep 24, 2020 at 4:04 PM

Thanks, Mike.

When the South Kent School purchased the "truly established as a farm" Arno Farm, a determination was made that, in actuality, it was no longer a farm first, but an educational facility first and then a farm. Wouldn't this apply in this case?

D

Michael A. Zizka <zizka@halloransage.com>
To: Donna Hayes <landuseadmin@townofkentct.org>

Thu, Sep 24, 2020 at 4:42 PM

It does apply, in the sense that the farm use is (presumably) no longer the primary use. But the regulations arguably do not preclude agriculture as a separate primary use on the same lot. That's why this is complicated.

[Quoted text hidden]

Donna Hayes <landuseadmin@townofkentct.org>
To: "Michael A. Zizka" <zizka@halloransage.com>

Thu, Sep 24, 2020 at 5:22 PM

Ok, thanks.

[Quoted text hidden]

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[Quoted text hidden]

5A.1

**TOWN OF KENT
PLANNING AND ZONING COMMISSION**

41 Kent Green Boulevard
P.O. Box 678
Kent, CT 06757
Phone: (860) 927-4625 Fax (860) 927-1313

RESOLUTION OF APPROVAL

RESOLVED: That the Kent Planning and Zoning Commission approve with conditions the applicant's Application #'s 37-19C and 38-19SP, High Watch Recovery Center, Inc., 47 Carter Road, construction of an open sided, covered pole barn, 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 #37-19C, dated April 30, 2019.
 - B. Waivers to Site Plan/Special Permit
 - C. Perimeter Survey Prepared for High Watch Recovery Center, Inc., prepared by Robert L. Hock, LLS, LLC, dated July 21, 2017, showing location of proposed covered horse ring.
 - D. Special Permit Application #38-19SP, dated April 30, 2019.
 - E. Time Frame Cover for Round Pen, unknown author, undated, and identified as pg. 1, 2, 3, 4 and 5.
2. That the proposed use of the 70' x 60' covered riding ring with 22 piers shall be used only by residential clients of the permitted facility for programs associated with the principal use of the treatment of drug and alcohol addiction.
3. That there will be no additional exterior lighting.
4. 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.
5. That a 2' wide gravel pad of crushed stone be installed at the drip line.
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 10470.3 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 reviewing such amendments, as set forth in the Plan of Conservation and Development and the Zoning Regulations of the Town of Kent.

Adopted by the Kent Planning and Zoning Commission this 1st day of July, 2019.

541

**TOWN OF KENT
PLANNING AND ZONING COMMISSION**

41 Kent Green Boulevard
P.O. Box 678
Kent, CT 06757
Phone: (860) 927-4625 Fax (860) 927-1313

RESOLUTION OF APPROVAL

RESOLVED: That the Kent Planning and Zoning Commission approve with conditions the applicant's Application #51-20SP and 52-20C, Vincent Roberti, Jr. for High Watch Recovery Center, Inc., 47 Carter Road, Map 14 Block 21 Lot 17, construction of 30' x 70' greenhouse.

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. Special Permit Application #51-20SP, dated August 19, 2020 with attached description of proposed greenhouse.
 - B. Site Plan Application #52-20C, dated August 19, 2020, with requested waivers.
 - C. Perimeter Survey Prepared for High Watch Recovery Center, Inc., prepared by Robert L. Hock, LLS, LLC, dated July 21, 2017, showing location of proposed greenhouse.
 - D. A letter dated September 24, 2020, from Jason Perillo, Vice President of Communications.
2. That based on representations made by representatives of High Watch, the greenhouse will be farmed by staff and residents at 47 Carter Rd.
3. That based on representations made by representatives of High Watch, 100 percent of what is grown on site will be used for consumption at High Watch Recovery Center, 62 Carter Road.
4. That based on representations made by representatives of High Watch, no additional staff will be hired for the operation of the greenhouse.
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 10470.3 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 reviewing such amendments, as set forth in the Plan of Conservation and Development and the Zoning Regulations of the Town of Kent.

Adopted by the Kent Planning and Zoning Commission this XXX day of XXXX, XX, 2020.

AGENDA ITEM 5.A.1.

Notice: Click here to read an important message from High Watch regarding Coronavirus (COVID-19).
(<https://highwatchrecovery.org/>)
(<https://highwatchrecovery.org/covid19/>)

(tel:86092
73772)



860-927-3772
We Accept Insurance



The High Watch Farm

"To plant a garden is to believe in tomorrow." – Audrey Hepburn

When we think of High Watch and the Hill of Hope, we often think of the main campus, the Chapel, and the Barn. For those who haven't been to the Hill in a while, there is a whole new world across the street. And it's growing...

Under the oversight of Kurt Klimak, our horticulturist, the farm at High Watch is expanding at an exciting pace. Together with Kurt, our Hope House (<https://highwatchrecovery.org/continuum-of-care/>) guests are maintaining the farm. They have built the gardens and planted, maintained, watered and weeded all of the vegetables. They harvest on a daily basis and all of our vegetables are being used in the kitchen.

"As the garden grows, so shall the gardener."

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(tel:8609273772)

5.A.1

This season, Kurt and the Hope House team tripled the size of our existing garden. Vegetables include 50 Broccoli plants, 250 heads of lettuce in three different varieties, 100 brussel sprouts, 50 spinach plants, 150 kale plants, 50 sugar snap peas, 50 pole beans, 100 assorted peppers, 50 squash plants, 50 zucchini plants, 200 tomato plants in four different varieties, 100 cucumber plants, as well as radishes, carrots, and beets.

(<https://highwatchrecovery.org/>)



They are also producing fruit, including 100 strawberry plants, watermelon, and cantaloupe. In the fall, they will be harvesting pumpkins, spaghetti squash, acorn squash, and butternut squash.

Our herb garden includes oregano, basil, thyme, sage, rosemary, lemon grass, dill, and two varieties of cilantro.



*"Where flowers bloom,
so does hope."
– Ladybird Johnson*

The farm has numerous varieties of flowers growing and have been using them in beds around the main facility.

Our female Hope House guests arrange all of the weekly cut flowers for the office. They help maintain flower beds on

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campus, as well. This has been an extremely positive experience for them and Kurt

Ok

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keeps it upbeat and fun while teaching skills so that they are totally involved and vested in the farm's success. As Kurt said, "fresh air, a little hard work, and seeing plants grow successfully under your care is a great form of therapy on its own."



The best time to plant a tree was twenty years ago. The second best time is now."

– Chinese proverb

Our newly-planted orchard has 100 trees including, 75 assorted apples including Honey crisp, red and yellow Delicious, Granny Smith, and Macintosh, as well as peaches, plums and two varieties of pears.

Kurt is thrilled at the opportunity to make the farm such a special place. "I am truly blessed to have been offered this position at High Watch. It is the most rewarding position I have ever had. From the guests who have been so instrumental in making this happen, to the staff that are so warm and welcoming it really feels like a family.

The future of the farm

In the years ahead, Kurt plans to grow the farm program exponentially. We are currently preparing for the construction of one greenhouse this fall, which will allow our Hope House guests to work and grow all winter. In January, Kurt will be working closely with Alice Bemand, our Director of Development, to obtain funding for a second greenhouse next season. Kurt



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large glass that Kurt would reserve for growing flowers and houseplants.

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5.A.1

Once the Covid-19 challenge is behind us, Kurt hopes to host farm to table dinners in the greenhouse to help promote High Watch and the Hope House farm.

We are planning for the distant future, as well. Kurt recently obtained 500 sugar maple saplings for a maple syrup production to begin in about 2040.

As we move toward the opening of our café in downtown Kent, Kurt would like to see some of our goods sold there. He believes we can sell vegetables, flowers, and seasonal items such as handmade wreaths. Honey, and other products of the farm would be a wonderful addition to the café's offering. Kurt envisions using proceeds from the sale of farm products to fund Wilson Beds at High Watch for guests experiencing financial troubles.



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5.4.1



(<https://highwatchrecovery.org/>)



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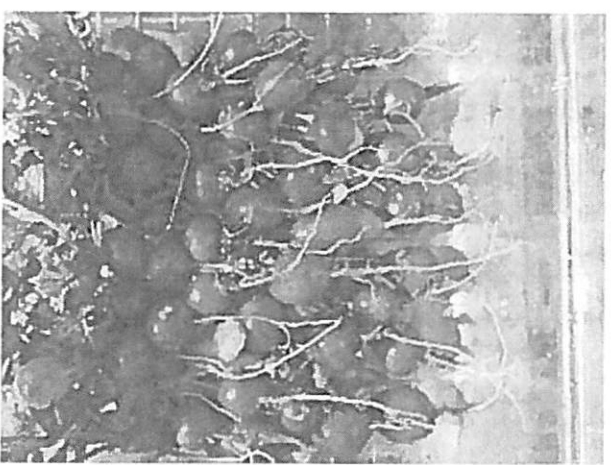
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5.4.1



(<https://highwatchrecovery.org/>)



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S.A.1



(<https://highwatchrecovery.org/>)



f (<https://www.facebook.com/HighWatchRecoveryCenter/>)

G (<https://plus.google.com/+HighwatchrecoveryCT>)

t (<https://twitter.com/highwatch1940?lang=en>)

p (<https://www.pinterest.com/highwatchrecovery/>)

YouTube (<https://www.youtube.com/channel/UCbfvddfL8ZDh1CMshAu-knA>)

Contact Us (<https://highwatchrecovery.org/contact/>)

Careers

(<https://highwatchrecovery.org/employment-opportunities/>) Donate

(<https://highwatchrecovery.org/donate/>) Alumni Connection

(<https://highwatchrecovery.org/alumni-connection/>)

High Watch Recovery Center | P.O. Box 607 Kent, CT 06757 | 860-927-3772 (tel:8609273772)

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(<https://highwatchrecovery.org/privacy-policy/>) | Accessibility Notice (<https://highwatchrecovery.org/accessibility-notice/>)

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(tel:8609273772)

AGENDA ITEM 5.A.1

Notice: [Click here to read an important message from High Watch regarding coronavirus \(COVID-19\).](https://highwatchrecovery.org/covid19/)
(<https://highwatchrecovery.org/covid19/>)

(tel:86092
73772)



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[Home \(https://highwatchrecovery.org/\)](https://highwatchrecovery.org/) » Continuum of Care

Intensive Outpatient Care Program in Kent, CT

High Watch is home to a fully working farm that is the centerpiece of our Intensive Outpatient Program. It is currently home to both our men's and women's IOP program, HOPE House. This outstanding program is available to guests who have completed their residential stay with us and who wish to continue their recovery at High Watch
(<https://highwatchrecovery.org/connecticut-highwatch/>).

Continuum of Care at the HOPE House Farm

Located on over 100 acres of land, the HOPE House farm includes a horse and sheep pasture, horse stalls, and acres of gardens.

The guests of HOPE House are actively involved in the production of honey, beeswax, and other honey based products, along with eggs, wool, and fresh produce. The farm is also home to our equine therapy program.

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(tel:8609273772)



The garden is one of the more challenging projects on the property. Extended guests and IOP guests study bio-dynamic gardening. They explore many products that they can make from  their crops such as teas, spices, dried herbs, and many other vegetable-based products. The farm will also be supplying the High Watch kitchen with fresh vegetables.

T



he program is an excellent opportunity for extended guests. It gives them a sense of purpose, which is so very important in early recovery. It builds confidence, self-worth and self-esteem. Guests at HOPE House learn teamwork, responsibility, accountability, and conflict resolution. They learn to care for, help, and watch out for each other, and they learn new skills that they can be proud of and take with them. Working with your hands, with animals, and the earth is very healing and very conducive to good recovery.

**We Admit Guests
365 Days a Year**

Call Us Toll Free:

860-927-3772

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We are **(tel: 860-927-3772)**

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TOWN OF KENT PLANNING AND ZONING COMMISSION

41 Kent Green Boulevard
P.O. Box 678
Kent, CT 06757
Phone: (860) 927-4625 Fax (860) 927-1313

RESOLUTION OF DENIAL

WHEREAS, Applications #51-20SP and 52-20C, were submitted to the Planning and Zoning Commission (Commission) by Vincent Roberti, Jr., for High Watch Recovery Center, Inc., 47 Carter Road, Map 14 Block 21 Lot 17, for a special permit and site plan approval for the construction of a 30' x 70' greenhouse.

WHEREAS, the Commission opened the public hearing on the special permit and site plan requests on September 10, 2020 and continued the public hearing to October 8, 2020.

WHEREAS, the Commission closed the public hearings on the special permit and site plan requests on October 8, 2020.

WHEREAS, following the close of the public hearings, the Commission conducted deliberations on the applications on November 12, 2020.

WHEREAS, pursuant to §1210 and §1220 of the Kent Zoning Regulations, the purpose and intent of the Regulations is to: protect the public health, safety, convenience and property values; lessen congestion in the streets; secure safety from fire, panic, flood and other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; and facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements. In addition, these Regulations are intended to: confine certain classes of buildings and uses to designated localities or districts; regulate the use of land and the use, location, height and bulk of buildings and structures and determine the area of yards, courts and other open areas surrounding them; prevent activity detrimental to the environment; prevent destruction of the town's natural resources; protect natural, historic and cultural resources; provide for adequate solar radiation, light, air and privacy; provide for convenience of access to property; protect existing and potential surface and groundwater drinking supplies; promote the stability of property uses; promote the maintenance of property values; control the density of population in residential neighborhoods; prevent the overcrowding of land to allow space for adequate water and sewage systems; divide the town into zoning districts for the purposes described in Section 1200 and adopts maps showing the boundaries and the classification of such districts; and prescribe penalties for the violation of the provisions of these Regulations.

WHEREAS, at the conclusion of deliberations, the Commission made the following findings:

- A. With respect to Applications #51-20SP and 52-20C, the Town of Kent Zoning Regulations charges the Commission to consider supplemental site plan and special permit considerations. Those considerations and the Commission's determinations are:
 - a. With regard to §10440.3., which states: "*Whether the proposed use will have a detrimental effect on neighboring properties or the development of the district*", the Commission finds that based on the representations made by the applicant, it is unclear whether or not this proposed structure and its use would increase the intensity of a use that is pre-existing, non-conforming as a result of its affiliation with the use of 62 Carter Road.

- b. With regard to §10440.6., which states: *“Whether the streets and other rights-of-way are or will be of such size, condition and capacity (width, grade, alignment and visibility) to adequately accommodate the traffic to be generated by the particular proposed use and not create traffic problems.”*, the Commission does find the proposal would generate more external and internal traffic than a single-family residence. Consequently, the impact on the rural residential neighborhood would be more severe than it would if residential uses were being proposed.
- c. With regard to §10440.9., which states: *“Whether the use, configuration, design and/or hours of operation are appropriate in order to control noise, light, odors, parking visibility, unsightly appearance, erosion, water contamination and storm-water runoff on the site and in relation to the surrounding.”*, the Commission finds that conflicting information indicates that the proposal could not meet the requirements of this section.
- d. With regard to §10440.11., which states: *“Whether adequate provisions have been made to moderate or mitigate neighborhood impacts by limiting the intensity of use of the property (including, without limitation, such considerations as the area devoted to the use, the number of people involved in the use, the number of events or activities proposed, the hours of operation, etc.) or by modifying the location or configuration of the proposed use.”*, the Commission finds that conflicting information indicates that the proposal could not meet the requirements of this section.

THEREFORE, BE IT RESOLVED, that upon a motion made by **XX. XXX** and seconded by **XX. XXX**, the Commission voted **X – X** to deny Applications #51-20SP and 52-20C, were submitted to the Planning and Zoning Commission (Commission) by Vincent Roberti, Jr., for High Watch Recovery Center, Inc., 47 Carter Road, Map 14 Block 21 Lot 17, for a special permit and site plan approval for the construction of a 30' x 70' greenhouse.

Adopted by the Kent Planning and Zoning Commission this **XXX** day of **XXXX**, 2020.

6B1

**TOWN OF KENT
PLANNING & ZONING COMMISSION**

41 Kent Green Boulevard
P.O. Box 678
Kent, CT 06757
Phone (860) 927-4625 Fax (860) 927-4541

**2021 REGULAR MEETING SCHEDULE
2nd Thursday of the Month**

The Town of Kent Planning & Zoning Commission will meet on the following days at 7:00 p.m. in The Kent Town Hall, 41 Kent Green Boulevard, Kent, CT 06757.

January 14, 2021	July 8, 2021
February 11, 2021	August 12, 2021
March 11, 2021	September 9, 2021
April 8, 2021	October 14, 2021
May 13, 2021	November 18, 2021*
June 10, 2021	December 9, 2021

*3rd Thursday due to Veterans Day

6B2

To: All Department Heads, Board/Commission Chairmen
From: Joyce Kearns
Administrative Assistant
Date: October 19, 2020
Re: Five-Year Capital Plan

Attached are the Capital Budget Project Request Forms and a copy of the current Five-Year Capital Plan.

At the February 15, 2011 Board of Selectmen Meeting the Board of Selectmen agreed to the following rules for the Capital budget:

- 1 The Five-Year Capital Plan is a binding agreement. A project cannot be inserted into the plan before the fifth year (2026) unless it is an emergency.
- 2 The bottom line of the scheduling within the Five-Year Plan will not exceed a pre-determined amount.
- 3 The six-to-ten-year plan should be used as a tool to look at the long-range plan. Projects will not roll automatically into the Five-Year Plan.
- 4 Projects need to be specific. If the project changes or the priorities change, the money already allocated needs to be returned to the fund, and the new project would need to go Town Meeting to request the funds be re-appropriated.

Please keep these rules in mind when completing the forms. The deadline to return requests is Monday, November 30, 2020.

TOWN OF KENT

2022- 2026 FIVE-YEAR CAPITAL PLANNING

Department: _____

Date Prepared: _____

Contact Person: _____

1. Purpose of Project:

Add a new item to program

Modify item already part of program

Included in prior plan

2. Project title: _____

3. Location: _____

4. Description of Project:

5. Justification: _____

6. Department Priority: _____

7. Year Proposed for Purchase/Construction

Anticipated cost

2021/2022

2022/2023

2023/2024

2024/2025

2025/2026

2026/2027

2027/2028

2028/2029

2029/2030

2030/2031

FIVE YEAR TOTALS	FIVE YEAR CAPITAL PLAN					INFORMATIONAL USE				
	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
BOE PLAN		Roof	Roof	Roof	Roof					
KCS BLDG IMPROVEMENTS		266,000	216,000	266,000	50,000					
Windows	100,000			Sidewalk / Pav	Sidewalk / Paving	Sidewalk / Paving				
				136,235	136,235	136,235				
1,170,470 BOE SUBTOTAL	100,000	266,000	216,000	402,235	186,235	136,235	0	0	0	0
BOS PLAN										
Payloader Zero Turn	Truck #1	HWY Trk #5 and	HWY Trk #9	HWY Trk #4 /	HWY Trk #12	Tractor w/ boom	Truck #8	Truck #3	Dump Truck, Sander and Plow	
Salt Brine Maker	Compactor	Kubota		Cord Bridge Barrier		mower				
HIGHWAY TRUCKS	60,000	205,000	235,000	135,000	205,000	0	205,000	205,000	205,000	
155,000										
HIGHWAY EQUIPMENT	15,000			Covered Bridge Bar						
35,000	40,000	35,000	0	30,000	120,000					
945,000 TOTAL TOWN FLEET	205,000	100,000	240,000	235,000	165,000	205,000	120,000	205,000	205,000	205,000
Eng 1	Eng 1	Rescue B	Rescue B							
KVFD APPARATUS	150,000	150,000	200,000	225,000						
725,000 TOTAL KVFD FLEET	150,000	150,000	200,000	225,000	0	0	0	0	0	0
Anderson Road (rebuild)				166,883	183,117					
BOTSFORD ROAD				345,000					0	0
SPOONER HILL ROAD					500,000					
STUDIO HILL ROAD	200,000				0					
711,883 TOTAL ROADS	200,000	0	0	0	511,883	683,117	0	0	0	0
Bridge #9 (Fuler Mountain)					300,000					
Bridge #15 (Carter Road)	250,000				Bridge 5	Bridge 5	Bridge 17	Bridge 17		
BRIDGE #16 (Anderson Acres)				166,883	183,117	200,000	200,000	200,000	200,000	
BRIDGE #05519 (Macedonia)					300,000					
BRIDGE #22 (Gear Min)									400,000	
BRIDGE #06153 (Carter Road)	250,000									
666,883 TOTAL BRIDGES	250,000	250,000	0	0	166,883	183,117	800,000	200,000	200,000	600,000
0 TOTAL LAND	0	0	0	0	0	0	0	0	0	0
Parking Lot	Parking Lot									
TOWN GARAGE	30,000	40,000				0	0	0	0	
Appliances										
SENIOR CENTER	25,000					Flooring				
COMMUNITY HOUSE				50,000		150,000				
Roof										
Carpel / Paint									CMH Windows	
TOWN HALL	40,000					Tn Hall Roof	Tn Hall Wind	150,000		
165,000 TOTAL BUILDINGS	25,000	70,000	40,000	0	50,000	0	215,000	150,000	150,000	0
ZONING REG	50,000									
TOWN PLAN POCD	15,000									
REVALUATION			25,000	50,000						40,000
P/R Playgrounds	Kent Commons	Kent Commons	Emery Park	Tennis Court						
360,000 TOTAL NON RECURRING	15,000	100,000	75,000	150,000	20,000	0	0	0	0	40,000
3,593,765 BOS SUBTOTAL	845,000	670,000	555,000	610,000	913,765	1,071,234	1,136,000	555,000	555,000	845,000
FIVE YEAR TOTALS	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
4,764,235 BOE & BOS PROJECTED CAPITAL	945,000	936,000	771,000	1,012,235	1,100,000	1,207,469	1,136,000	555,000	555,000	845,000
BOE & BOS CAPITAL SPEN	945,000	936,000	771,000	1,012,235	1,100,000	1,207,469	1,136,000	555,000	555,000	845,000
1/5TH OF ANNUAL CAPITAL	189,000	187,200	154,200	202,447	220,000	241,494	227,000	111,000	111,000	169,000
APPROPRIATION FY 2020-2021	952,847									
APPROPRIATION FY 2021-2022		1,005,341								
APPROPRIATION FY 2022-2023			1,045,141							
APPROPRIATION FY 2023-2024				1,001,941						
APPROPRIATION FY 2024-2025					910,494					
APPROPRIATION FY 2025-2026						859,494				
Accepted by the BoS	1/2/20									
Received by the BoF	1/7/20									
Approved by P/Z	4/9/20									
Approved by BoS	4/14/20	Approved at Town Meeting	N/A							
Approved by BoF	5/19/20									

hash line signifies partial or all prefunding of appropriation

Executive Order 71 superseded ability to hold Town Meeting

AGENDA ITEM 6.B.3.



SITE PLAN APPLICATION

PLANNING AND ZONING COMMISSION
41 Kent Green Blvd.
P.O. Box 678
Kent, CT 06757

(FOR OFFICE USE ONLY)

App. #: 74-20C

Fee received: 160

Date of receipt: 11/6/20

Official date of receipt: 11/12/2020

Name of property owner: Kent Center LLC

Owner's mailing address: 100 Treasure Hill Road, South Kent, CT. 06785

Applicant's telephone: 917-855-9872 E-mail address: hiramwilliams@mac.com

Applicant's name: Woodford's General Store LLC / Terry Crowe Deegan

PO Box 141
Kent CT 06757

Applicant's address: 16 Evans Hill Road, Sherman, CT. 06784

Applicant's telephone: 917-224-4801 E-mail address: terryjackdeegan@gmail.com

Property address: 3 Old Barn Road, Kent Barn, Kent, CT

Map: 19 Block: 42 Lot: 35

Zoning regulation section:

Statement of use: Change zoning from office to retail. A small general store that will provide locally made and locally grown products along with a selection of home design items for the modern country home.

Cubic yards of fill to be deposited on the property (if any): N/A

Yards of earth materials to be removed off the property (if any): N/A

Is this property subject to a conservation or preservation restriction: Yes ☐ No ☒

If so, a written notice must be sent to the party holding such restriction sixty days prior to the submittal of this application. Proof of this notice shall be attached as per CT Public Act 05-124.

Has this case gone to the Zoning Board of Appeals? ☐ Yes ☒ No

If yes, please include the approval letter from the ZBA.

Signature of applicant: Terry Crowe Deegan

Date: 11/5/2020

Signature of property owner: Hiram Williams

Date: 11/5/2020

6.B.3

SITE PLAN APPLICATION CHECKLIST

All Site Plan Applications must include:

- 10 copies of the Site Plan Application and all attachments
- A check in the amount of \$160 made payable to "The Town Of Kent"

Following a written request from the applicant, the Commission may determine that information required by the Regulations is not needed in order for the Commission to reach a decision on the application or determine compliance with the requirements of these Regulations. In such situations, the Commission may relieve the applicant from providing such information by an affirmative vote of a majority of all voting members of the Commission.

The Commission may require additional information be submitted when it determines that it needs such additional information in order to determine whether the proposed use complies with the standards and requirements of these Regulations.

APPLICATION REQUIREMENTS – SITE PLAN / SPECIAL PERMIT (PLEASE CIRCLE THOSE NUMBERED ITEMS YOU WISH THE COMMISSION TO WAIVE)

- ☐ Application Form (with original signature of owner or letter of authorization from the owner to a designated agent)
- ☐ Application fee (\$160 made payable to "The Town of Kent")
- ☐ Ten (10) copies of a Site Plan of the property at an appropriate scale (such as 1" = 40') prepared and signed by a Connecticut-licensed professional engineer, land surveyor, architect and/or landscape architect, whichever shall be appropriate, and stamped with an embossed seal of each, showing, as applicable:
 - 1 ☐ On each sheet as appropriate, the graphic scale, north arrow, date of drawing and of all revisions, name of person preparing the Site Plan, address of property, and name and address of owner of record
 - 2 ☐ A key map showing:
 - the location of the property in relation to surrounding areas, streets and other landmarks
 - the location of the lot in relation to public and/or private streets and access-ways
 - the zoning district in which the property is located
 - 3 ☐ A Class A-2 boundary survey showing property boundaries, dimensions and area, dimensions of all yards as required by these Regulations, and including the names of abutting property owners
 - 4 ☐ A site development plan showing:
 - Existing and proposed buildings and other structures on the site including locations, dimensions, footprint square footage, floor area, height and building coverage of all existing and proposed buildings and uses
 - Existing and proposed driveway, parking and loading areas including, but not limited to, sidewalks, curbing, walkways, dumpsters, group mailboxes, driveways, parking and loading areas, abutting streets, utility poles, hydrants and other utility appurtenances, areas to be used for exterior storage and the type of screening to be provided
 - Existing and proposed grading with contours at two-foot intervals or less
 - The location of any wetlands and/or watercourses or areas of special flood hazard including the upland review area
 - The location of any proposed signs
 - Proposed site lighting including the location, size, height, intensity and hours of operation of all lighting fixtures
 - Construction limit line identifying all those areas to remain undisturbed and in its natural state

6.B.3.

- 5 ☐ A utility plan showing:
- The locations and descriptions of water supply and sewage disposal facilities
 - The location and design of existing and proposed storm drainage facilities in compliance with the 2004 Connecticut Stormwater Quality Manual, as amended
 - The location and design of refuse disposal facilities

- 6 ☐ A landscaping plan showing existing vegetation and proposed planting showing the Latin and common name of the species used, quantity of each plant species and the size and height of the plants at the time of planting.

- 7 ☐ Architectural plans and elevations

- 8 ☐ Construction notes and details

- 9 ☐ A zoning informational table showing the existing use, proposed use, zone, size of the property in square feet or acres, gross floor area of existing structures, gross floor area of proposed structures, proposed ground coverage, proposed building height in stories and feet, number of parking spaces required and provided (including handicapped spaces), number of loading spaces (if any) required and provided.

- ☐ Additional information as necessary to demonstrate compliance with the Zoning Regulations or other site plan considerations:

- 10 ☐ Off-site information including but not limited to the location of: buildings, parking areas and curb cuts on adjoining properties, including those across the street; traffic lights and controls, public trees, catch basins, manholes, hydrants, utility poles and utility lines located in adjacent streets; and zoning district boundary lines.

- 11 ☐ Impact analysis of the development upon water supply, storm drainage, sanitary sewers, traffic with special emphasis on any scenic road impacted, site conditions and/or water, air or noise pollution.

- 12 ☐ The location of stone walls, archeological resources, scenic views and other attributes

- 13 ☐ All applications for a Special Permit involving the construction of more than 25 dwelling units, 50 parking spaces, or 20,000 square feet of gross floor area, or any proposal which, in the Commission's judgment, would generate high levels of traffic, shall be accompanied by a traffic study prepared by a traffic engineer, evaluating the impact of the proposal on streets serving and/or affected by the development.

- At a minimum, the traffic study shall include data and information on existing and projected average daily vehicle trips on nearby roads, peak hour traffic, adequacy of rights-of-way and travelways, existing roadway capacity, traffic accidents, the traffic impact of the proposed development, traffic generation data, the location of existing roads within 300 feet of the development site, traffic lights and intersections, and recommendations for safe pedestrian and vehicular circulation, including provisions for safe sidewalks and crosswalks for pedestrians. Where applicable, the applicant shall include the written recommendations of the Connecticut Department of Transportation.

- Where it is projected that the additional traffic resulting from the proposal will reduce the level of service to C or below, the Commission shall not approve the project unless and until provision has been made for the improvement of said condition.

- ☐ For an application proposing to utilize a septic system, a report from the Town Sanitarian as to the feasibility of the septic system to accommodate the proposed use.

- ☐ For an application proposing a connection to, or extension of, a storm or sanitary sewer system shall require the approval of the Kent Water Pollution Control Authority and, where applicable, Connecticut Department of Energy and Environmental Protection, prior to the submission of an application to the Commission.

- ☐ If applicable, copies of an Erosion and Sedimentation Control Plan in compliance with Section 7300 of these Regulations.


6.B.3.

- ☐ A statement signed by the applicant indicating that any required statutory notifications have been provided or that no such notifications are required.
- ☐ Copy of any relevant variance(s), stamped to document filing in the Office of the Kent Town Clerk.

DEPARTMENTAL CHECKLIST

Applicant confirms the following permits/approvals have been obtained where applicable:

Site Plan Application/ Special Permit Application	✓	Land Use Office Monday - Friday 9am - 4pm
Septic & Well (if in Rural District)	NA	Torrington Area Health - Cathy Weber Tuesday's beginning at 12 pm
Sewer (if in Village Center)	NA	Joyce Kearns in the 1 st Selectman's Office
Inland Wetlands (if applicable)	NA	Land Use Office, Monday - Friday 9am - 4pm
Flood Hazard (if applicable)	NA	Land Use Office, Monday - Friday 9am - 4pm
Horizonline Conservation (if applicable)	NA	Land Use Office, Monday - Friday 9am - 4pm
Fire Marshal (all but 1 & 2 family dwellings)	✓	Land Use Office Tuesday & Thursday 3pm - 4pm


Signature

11/6/2020
Date

C.B.3.

Kent Center LLC
100 Treasure Hill Road
South Kent, CT 06785

Hiram P Williams Jr
Managing Member
hiramwilliams@mac.com
m. 917-855-9872

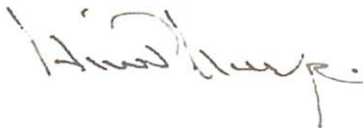
Donna Hayes, Land Use Administrator
Town of Kent Planning and Zoning Commission
41 Kent Green Boulevard
P.O. Box 678
Kent, CT 06757

RE: Change of Use-3 Old Barn Road, Kent Barn, Kent, CT

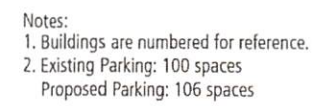
Dear Donna,

I hereby designate Terry Crowe Deegan to represent me at the upcoming Planning and Zoning Commission meeting with regard to the change of use application before the commission for 3 Old Barn Road, Kent Barns, Kent, CT

Thank you



Hiram P Williams Jr



H 6 EN 11 KM 6.6.4.



**HORIZONLINE CONSERVATION
DISTRICT
SITE PLAN APPLICATION**

PLANNING AND ZONING COMMISSION
41 Kent Green Blvd.
P.O. Box 678
Kent, CT 06757

(FOR OFFICE USE ONLY)

App. #: 75-200

Fee received: 160

Date of receipt: 11/19/20

Official date of receipt: 11/12/20

Name of property owner: Pamela Davis

Owner's mailing address: 45 Kings Highway North, Westport, CT 06880

Applicant's telephone: 203.695.3084

E-mail address: pdavis1750@yahoo.com

Applicant's name:

Wyrick Associates

Applicant's address:

17 Old Barn Road, Kent, CT

Applicant's telephone:

860.927.5220

E-mail address:

wyrickassociates@yahoo.com

Property address:

Kenmont Road, South Kent

Map:

15

Block:

22

Lot:

95

Zoning regulation section:

5710

Statement of use:

Proposed Si-gle Family Dwelling and driveway with detached
Garage and future swimming pool

Cubic yards of fill to be deposited on the property (if any):

300

Yards of earth materials to be removed off the property (if any):

0

Is this property subject to a conservation or preservation restriction: Yes ☐ No ☒

If so, a written notice must be sent to the party holding such restriction sixty days prior to the
submittal of this application. Proof of this notice shall be attached as per CT Public Act 05-124.

Has this case gone to the Zoning Board of Appeals? ☐ Yes ☒ No

If yes, please include the approval letter from the ZBA.

Signature of applicant:

Date:

11/9/20

Signature of property owner:

Date:

6.B.4.

NARRATIVE FOR HORIZON LINE APPLICATION

For the Property of Pamela Davis

A single-story house using stone and wood exterior siding (height approximately 16 feet above average grade) is proposed on a 26 acre property within the Horizon Line Zone. The house will be built into the natural grade to minimize exposure. No floodlighting or other glaring lighting is proposed – only customary sconce (with lens covering) at doorways and general low voltage landscape lighting will be used on the exterior. A limit of disturbance area surrounding the house is shown. Brush and smaller trees are proposed to be thinned in this area. NO tree over 24" in diameter will be removed. The intent is to leave a minimal trace upon the natural landscape.

6-B.4

SITE PLAN APPLICATION CHECKLIST

All Site Plan Applications must include:

- 10 copies of the Site Plan Application and all attachments
- A check in the amount of \$160 made payable to "The Town Of Kent"

Following a written request from the applicant, the Commission may determine that information required by the Regulations is not needed in order for the Commission to reach a decision on the application or determine compliance with the requirements of these Regulations. In such situations, the Commission may relieve the applicant from providing such information by an affirmative vote of a majority of all voting members of the Commission.

The Commission may require additional information be submitted when it determines that it needs such additional information in order to determine whether the proposed use complies with the standards and requirements of these Regulations.

APPLICATION REQUIREMENTS – SITE PLAN / SPECIAL PERMIT

(PLEASE CIRCLE THOSE NUMBERED ITEMS YOU WISH THE COMMISSION TO WAIVE)

- ☒ Application Form (with original signature of owner or letter of authorization from the owner to a designated agent)
- ☒ Application fee (\$160 made payable to "The Town of Kent")
- ☐ Ten (10) copies of a Site Plan of the property at an appropriate scale (such as 1" = 40') prepared and signed by a Connecticut-licensed professional engineer, land surveyor, architect and/or landscape architect, whichever shall be appropriate, and stamped with an embossed seal of each, showing, as applicable:
 - 1 ☒ On each sheet as appropriate, the graphic scale, north arrow, date of drawing and of all revisions, name of person preparing the Site Plan, address of property, and name and address of owner of record
 - 2 ☒ A key map showing:
 - the location of the property in relation to surrounding areas, streets and other landmarks
 - the location of the lot in relation to public and/or private streets and access-ways
 - the zoning district in which the property is located
 - 3 ☒ A Class A-2 boundary survey showing property boundaries, dimensions and area, dimensions of all yards as required by these Regulations, and including the names of abutting property owners
 - 4 ☒ A site development plan showing:
 - Existing and proposed buildings and other structures on the site including locations, dimensions, footprint square footage, floor area, height and building coverage of all existing and proposed buildings and uses
 - Existing and proposed driveway, parking and loading areas including, but not limited to, sidewalks, curbing, walkways, dumpsters, group mailboxes, driveways, parking and loading areas, abutting streets, utility poles, hydrants and other utility appurtenances, areas to be used for exterior storage and the type of screening to be provided
 - Existing and proposed grading with contours at two-foot intervals or less
 - The location of any wetlands and/or watercourses or areas of special flood hazard including the upland review area
 - The location of any proposed signs
 - Proposed site lighting including the location, size, height, intensity and hours of operation of all lighting fixtures
 - Construction limit line identifying all those areas to remain undisturbed and in its natural state

6.B.4

- 5 ☐ A utility plan showing:
- The locations and descriptions of water supply and sewage disposal facilities
 - The location and design of existing and proposed storm drainage facilities in compliance with the 2004 Connecticut Stormwater Quality Manual, as amended
 - The location and design of refuse disposal facilities
- 6 ☐ A landscaping plan showing existing vegetation and proposed planting showing the Latin and common name of the species used, quantity of each plant species and the size and height of the plants at the time of planting.
- 7 ☒ Architectural plans and elevations
- 8 ☒ Construction notes and details
- 9 ☐ A zoning informational table showing the existing use, proposed use, zone, size of the property in square feet or acres, gross floor area of existing structures, gross floor area of proposed structures, proposed ground coverage, proposed building height in stories and feet, number of parking spaces required and provided (including handicapped spaces), number of loading spaces (if any) required and provided.
- ☐ Additional information as necessary to demonstrate compliance with the Zoning Regulations or other site plan considerations:
- 10 ☐ Off-site information including but not limited to the location of: buildings, parking areas and curb cuts on adjoining properties, including those across the street; traffic lights and controls, public trees, catch basins, manholes, hydrants, utility poles and utility lines located in adjacent streets; and zoning district boundary lines.
- 11 ☐ Impact analysis of the development upon water supply, storm drainage, sanitary sewers, traffic with special emphasis on any scenic road impacted, site conditions and/or water, air or noise pollution.
- 12 ☒ The location of stone walls, archeological resources, scenic views and other attributes
- 13 ☐ All applications for a Special Permit involving the construction of more than 25 dwelling units, 50 parking spaces, or 20,000 square feet of gross floor area, or any proposal which, in the Commission's judgment, would generate high levels of traffic, shall be accompanied by a traffic study prepared by a traffic engineer, evaluating the impact of the proposal on streets serving and/or affected by the development.
- At a minimum, the traffic study shall include data and information on existing and projected average daily vehicle trips on nearby roads, peak hour traffic, adequacy of rights-of-way and travelways, existing roadway capacity, traffic accidents, the traffic impact of the proposed development, traffic generation data, the location of existing roads within 300 feet of the development site, traffic lights and intersections, and recommendations for safe pedestrian and vehicular circulation, including provisions for safe sidewalks and crosswalks for pedestrians. Where applicable, the applicant shall include the written recommendations of the Connecticut Department of Transportation.
 - Where it is projected that the additional traffic resulting from the proposal will reduce the level of service to C or below, the Commission shall not approve the project unless and until provision has been made for the improvement of said condition.
- ☒ For an application proposing to utilize a septic system, a report from the Town Sanitarian as to the feasibility of the septic system to accommodate the proposed use.
- ☐ For an application proposing a connection to, or extension of, a storm or sanitary sewer system shall require the approval of the Kent Water Pollution Control Authority and, where applicable, Connecticut Department of Energy and Environmental Protection, prior to the submission of an application to the Commission.
- ☐ If applicable, copies of an Erosion and Sedimentation Control Plan in compliance with Section 7300 of these Regulations.

6.B.4

- ☐ A statement signed by the applicant indicating that any required statutory notifications have been provided or that no such notifications are required.
- ☐ Copy of any relevant variance(s), stamped to document filing in the Office of the Kent Town Clerk.

DEPARTMENTAL CHECKLIST

Applicant confirms the following permits/approvals have been obtained where applicable:

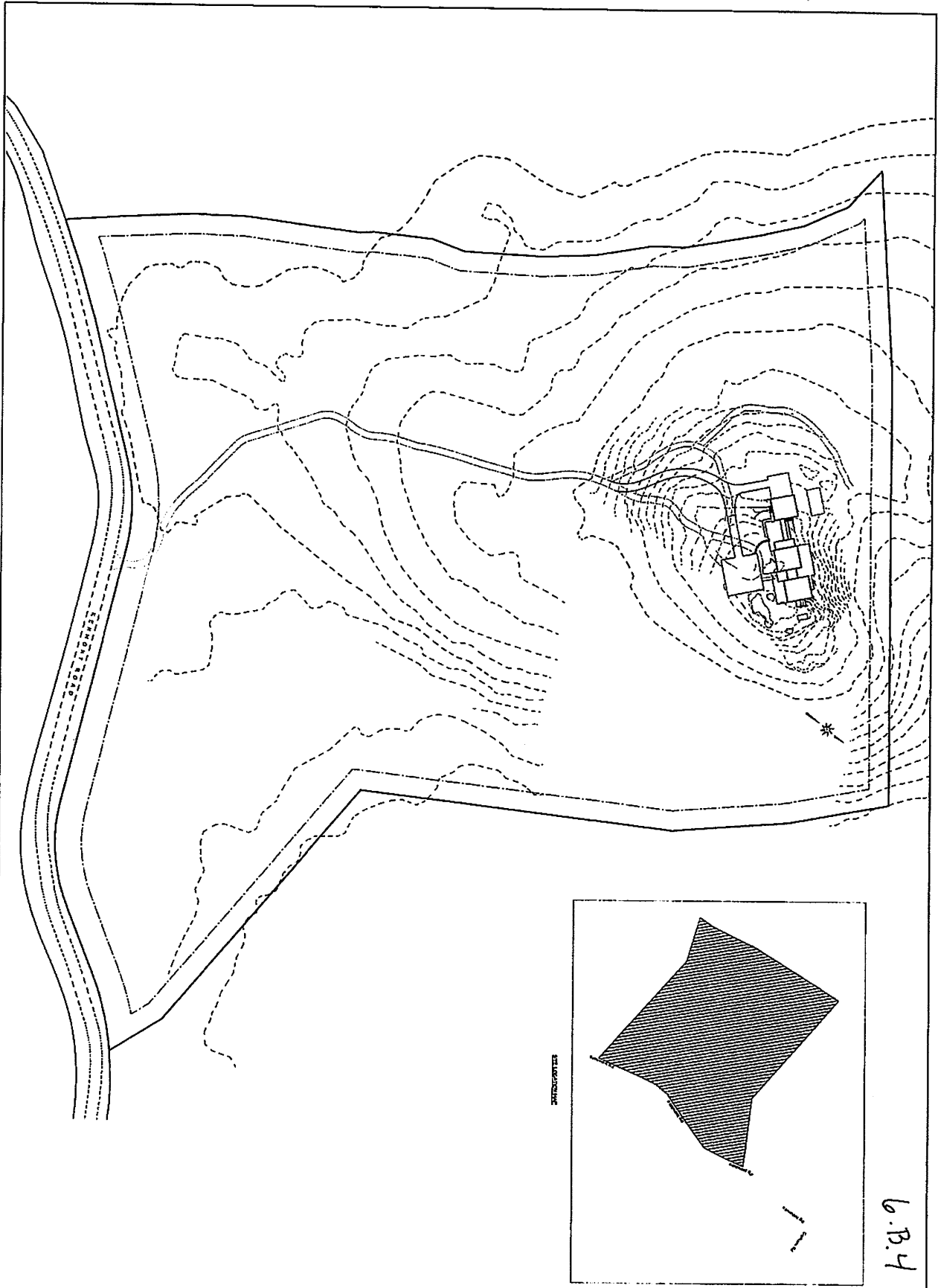
Site Plan Application/ Special Permit Application	✓	Land Use Office Monday - Friday 9am - 4pm
Septic & Well (if in Rural District)		Torrington Area Health - Cathy Weber Tuesday's beginning at 12 pm
Sewer (if in Village Center)	NA	Joyce Kearns in the 1 st Selectman's Office
Inland Wetlands (if applicable)	NA	Land Use Office, Monday - Friday 9am - 4pm
Flood Hazard (if applicable)	NA	Land Use Office, Monday - Friday 9am - 4pm
Horizonline Conservation (if applicable)	✓	Land Use Office, Monday - Friday 9am - 4pm
Fire Marshal (all but 1 & 2 family dwellings)	NA	Land Use Office Tuesday & Thursday 3pm - 4pm

Signature

Date

DmH

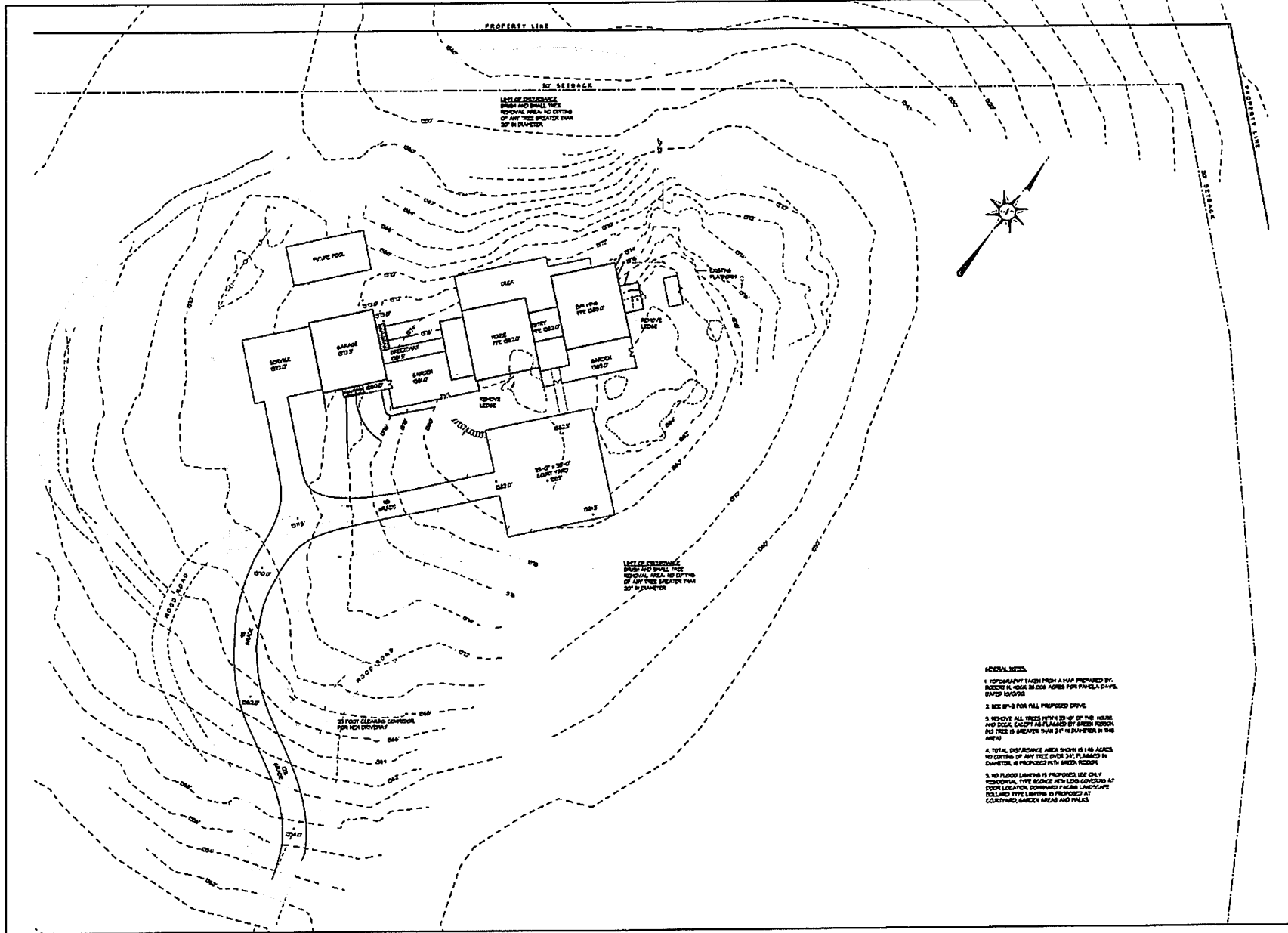
11/9/2020



6.B.4

SP-2 017	1" = 80'-0" NOVEMBER 9, 2000 L.C.A.	PROPOSED SITE PLAN NEW HOUSE FOR THE WOODS / BATES RESIDENCE KENNY ROAD, SOUTH KENT, CONNECTICUT WYRICK AND ASSOCIATES ARCHITECTS 17 OLD BASH ROAD KENT, CT 06747 (203) 927-8428	PROJECT NORTH 	EXISTING

6.B.4



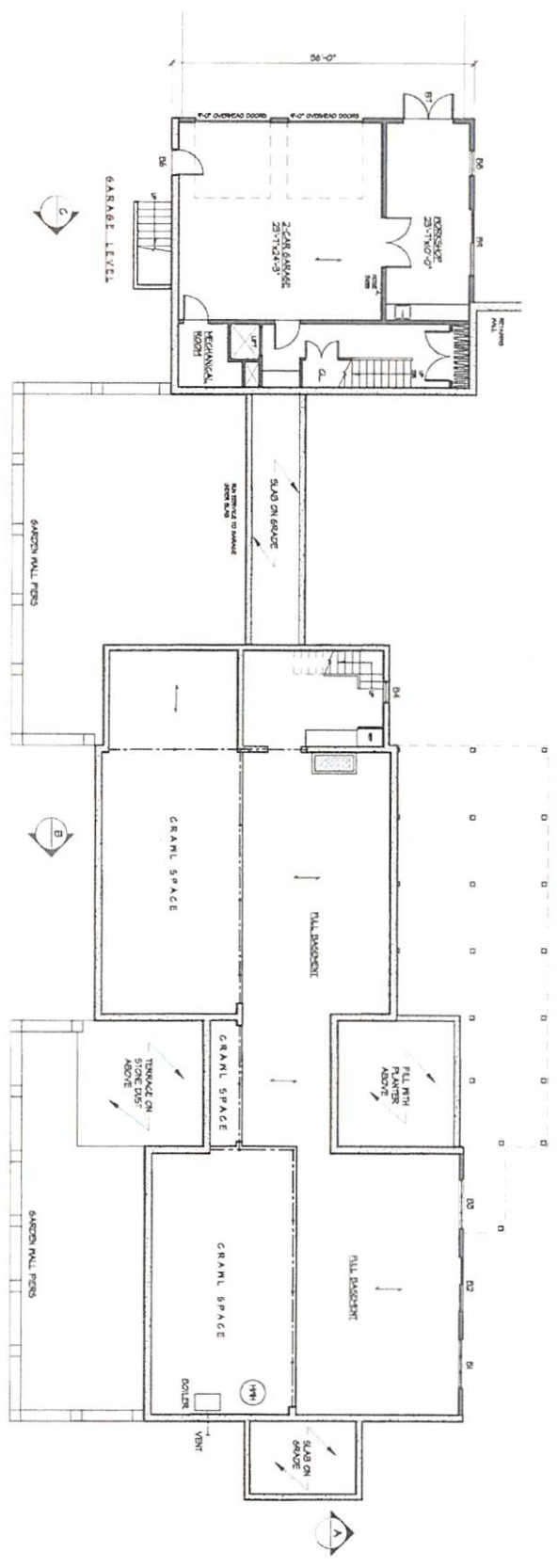
- REVISIONS:**
1. TOPOGRAPHY TAKEN FROM A MAP PREPARED BY: ROBERT A. HOSE, INCORPORATED FOR PINEHILL DRIVE, DATED 10/10/75.
 2. SEE 810-2 FOR FULL PROPOSED DRIVE.
 3. REMOVE ALL TREES WITHIN 25' OF THE HOME AND DRIVE EXCEPT AS PLANNED BY ARCHITECT. NO TREE IS GREATER THAN 24" IN DIAMETER IN THIS AREA.
 4. TOTAL DISTURBANCE AREA SHOWN IS 1.16 ACRES. NO CUTTING OF ANY TREE OVER 24" PLANNED IN DIAMETER, IS PROPOSED WITH ARCHITECT.
 5. NO FLOOD LIGHTING IS PROPOSED. USE ONLY RECESSED, TYPE BULB, WITH LIGHT CONCEALED AT DOWN LOCATION, DOWNWARD FACING LANDSCAPE ILLUMINATED TYPE LIGHTING IS PROPOSED AT COURTYARD, GARDEN AREAS AND PATIOS.

PROPOSED SITE PLAN

DATE: NOV 75

BY: S

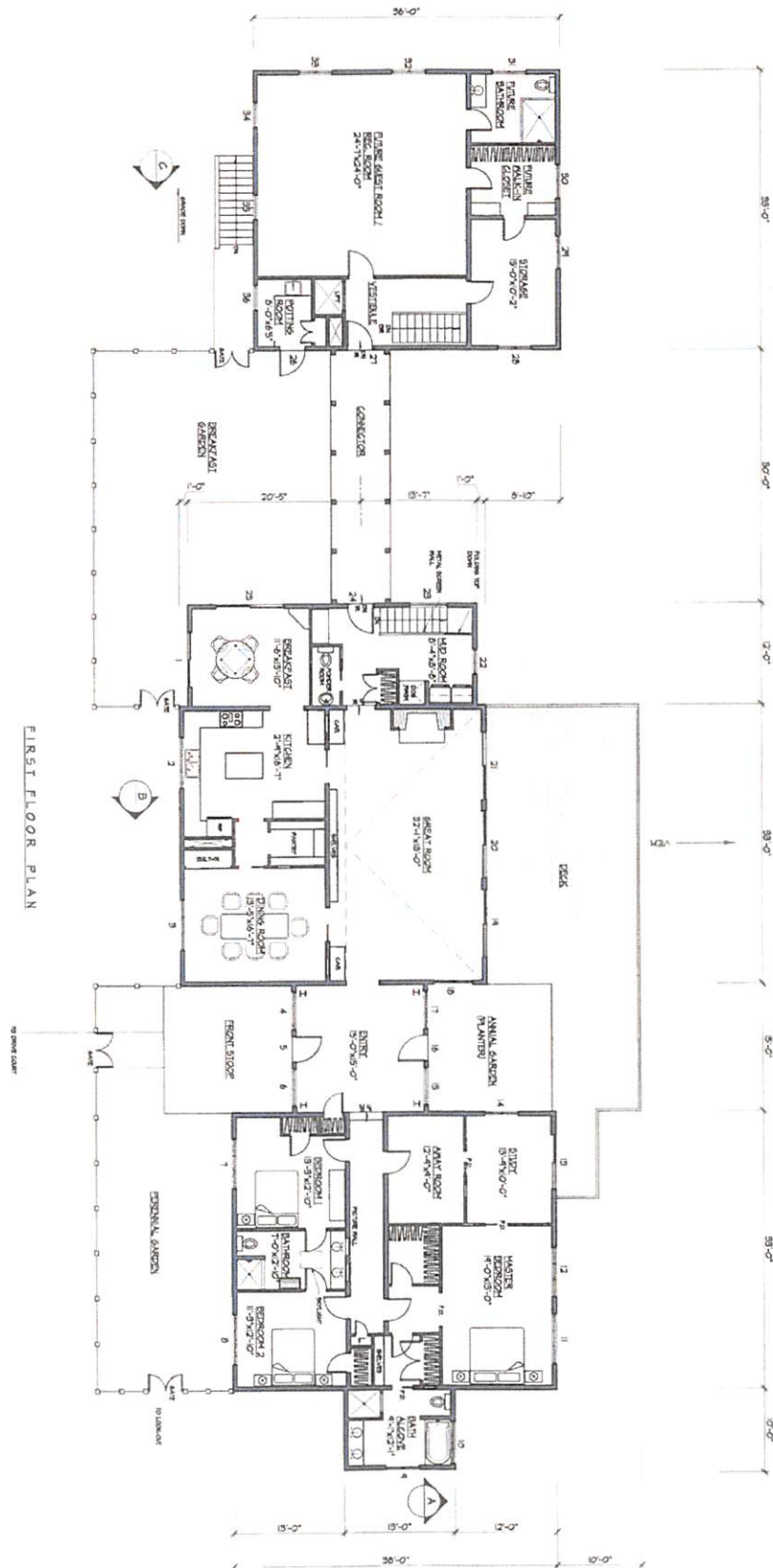
C.B.4



LOWER LEVEL FLOOR PLAN



DESIGN DEVELOPMENT PLAN
THE DAVIS/ MINICK RESIDENCE
DATE: NOV. 2, 2020
SCALE: 1/8" = 1'-0"



FIRST FLOOR PLAN

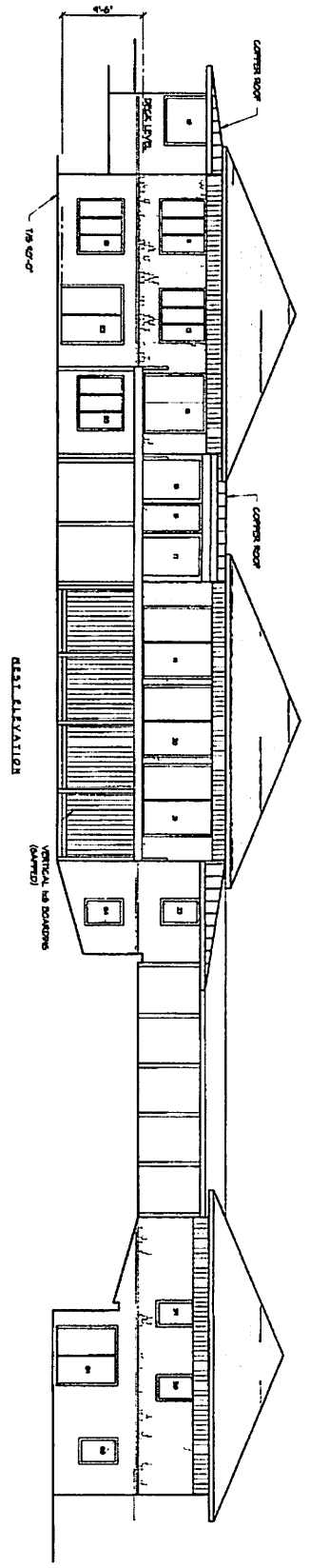
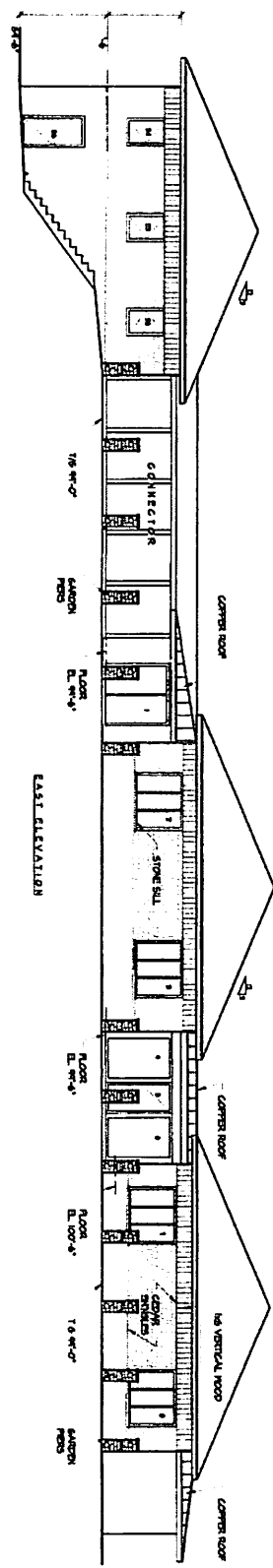


DESIGN DEVELOPMENT PLAN
 THE DAVIS/ MINICK RESIDENCE
 DATE: NOV 2 2020
 SCALE: 1/8" = 1'-0"

2

6.B.4

L.B.4



NEW HOME FOR
THE DAVIS WILK RESIDENCE
DATE: NOV 2 2020
SCALE: 1/8" = 1'-0"

3



**HORIZONLINE CONSERVATION
DISTRICT
SITE PLAN APPLICATION**

6B5

**PLANNING AND ZONING COMMISSION
41 Kent Green Blvd.
P.O. Box 678
Kent, CT 06757**

(FOR OFFICE USE ONLY)

App. #: _____

Fee received: _____

Date of receipt: _____

Official date of receipt: _____

Name of property owner: Richard and Carolyn Ziegler

Owner's mailing address: 200 Hicks St., Brooklyn, NY 11201

Applicant's telephone: 646-300-3525 E-mail address: rfziegler@gmail.com

Applicant's name: Same as owner

Applicant's address: _____

Applicant's telephone: _____ E-mail address: _____

Property address: 24 Spaulding Farm Lane

Map: 12 Block: 35 Lot: 13

Zoning regulation section: 5700 Horizon-Line Conservation Overlay District

Statement of use: Addition to existing accessory structure. Existing and proposed use is a 2-gar garage with accessory dwelling unit.

Cubic yards of fill to be deposited on the property (if any): none

Yards of earth materials to be removed off the property (if any): none

Is this property subject to a conservation or preservation restriction: Yes ☐ No ☒

If so, a written notice must be sent to the party holding such restriction sixty days prior to the submittal of this application. Proof of this notice shall be attached as per CT Public Act 05-124.

Has this case gone to the Zoning Board of Appeals? ☐ Yes ☒ No

If yes, please include the approval letter from the ZBA.

Signature of applicant: [Signature] Date: 11/2/20

Signature of property owner: [Signature] Date: 11/2/20

SITE PLAN APPLICATION CHECKLIST

All Site Plan Applications must include:

- 10 copies of the Site Plan Application and all attachments
- A check in the amount of \$160 made payable to "The Town Of Kent"

Following a written request from the applicant, the Commission may determine that information required by the Regulations is not needed in order for the Commission to reach a decision on the application or determine compliance with the requirements of these Regulations. In such situations, the Commission may relieve the applicant from providing such information by an affirmative vote of a majority of all voting members of the Commission.

The Commission may require additional information be submitted when it determines that it needs such additional information in order to determine whether the proposed use complies with the standards and requirements of these Regulations.

APPLICATION REQUIREMENTS – SITE PLAN / SPECIAL PERMIT

(PLEASE CIRCLE THOSE **NUMBERED** ITEMS YOU WISH THE COMMISSION TO WAIVE)

- ☐ Application Form (with original signature of owner or letter of authorization from the owner to a designated agent)
- ☐ Application fee (\$160 made payable to "The Town of Kent")
- ☐ Ten (10) copies of a Site Plan of the property at an appropriate scale (such as 1" = 40') prepared and signed by a Connecticut-licensed professional engineer, land surveyor, architect and/or landscape architect, whichever shall be appropriate, and stamped with an embossed seal of each, showing, as applicable:
 - 1 ☐ On each sheet as appropriate, the graphic scale, north arrow, date of drawing and of all revisions, name of person preparing the Site Plan, address of property, and name and address of owner of record
 - 2 ☐ A key map showing:
 - the location of the property in relation to surrounding areas, streets and other landmarks
 - the location of the lot in relation to public and/or private streets and access-ways
 - the zoning district in which the property is located
 - 3 ☐ A Class A-2 boundary survey showing property boundaries, dimensions and area, dimensions of all yards as required by these Regulations, and including the names of abutting property owners
 - 4 ☐ A site development plan showing:
 - Existing and proposed buildings and other structures on the site including locations, dimensions, footprint square footage, floor area, height and building coverage of all existing and proposed buildings and uses
 - Existing and proposed driveway, parking and loading areas including, but not limited to, sidewalks, curbing, walkways, dumpsters, group mailboxes, driveways, parking and loading areas, abutting streets, utility poles, hydrants and other utility appurtenances, areas to be used for exterior storage and the type of screening to be provided
 - Existing and proposed grading with contours at two-foot intervals or less
 - The location of any wetlands and/or watercourses or areas of special flood hazard including the upland review area
 - The location of any proposed signs
 - Proposed site lighting including the location, size, height, intensity and hours of operation of all lighting fixtures
 - Construction limit line identifying all those areas to remain undisturbed and in its natural state

- 5 ☐ A utility plan showing:
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 - The location and design of existing and proposed storm drainage facilities in compliance with the 2004 Connecticut Stormwater Quality Manual, as amended
 - The location and design of refuse disposal facilities
- 6 ☐ A landscaping plan showing existing vegetation and proposed planting showing the Latin and common name of the species used, quantity of each plant species and the size and height of the plants at the time of planting.
- 7 ☐ Architectural plans and elevations
- 8 ☐ Construction notes and details
- 9 ☐ A zoning informational table showing the existing use, proposed use, zone, size of the property in square feet or acres, gross floor area of existing structures, gross floor area of proposed structures, proposed ground coverage, proposed building height in stories and feet, number of parking spaces required and provided (including handicapped spaces), number of loading spaces (if any) required and provided.
- ☐ Additional information as necessary to demonstrate compliance with the Zoning Regulations or other site plan considerations:
- 10 ☐ Off-site information including but not limited to the location of: buildings, parking areas and curb cuts on adjoining properties, including those across the street; traffic lights and controls, public trees, catch basins, manholes, hydrants, utility poles and utility lines located in adjacent streets; and zoning district boundary lines.
- 11 ☐ Impact analysis of the development upon water supply, storm drainage, sanitary sewers, traffic with special emphasis on any scenic road impacted, site conditions and/or water, air or noise pollution.
- 12 ☐ The location of stone walls, archeological resources, scenic views and other attributes
- 13 ☐ All applications for a Special Permit involving the construction of more than 25 dwelling units, 50 parking spaces, or 20,000 square feet of gross floor area, or any proposal which, in the Commission's judgment, would generate high levels of traffic, shall be accompanied by a traffic study prepared by a traffic engineer, evaluating the impact of the proposal on streets serving and/or affected by the development.
- At a minimum, the traffic study shall include data and information on existing and projected average daily vehicle trips on nearby roads, peak hour traffic, adequacy of rights-of-way and travelways, existing roadway capacity, traffic accidents, the traffic impact of the proposed development, traffic generation data, the location of existing roads within 300 feet of the development site, traffic lights and intersections, and recommendations for safe pedestrian and vehicular circulation, including provisions for safe sidewalks and crosswalks for pedestrians. Where applicable, the applicant shall include the written recommendations of the Connecticut Department of Transportation.
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- ☐ For an application proposing a connection to, or extension of, a storm or sanitary sewer system shall require the approval of the Kent Water Pollution Control Authority and, where applicable, Connecticut Department of Energy and Environmental Protection, prior to the submission of an application to the Commission.
- ☐ If applicable, copies of an Erosion and Sedimentation Control Plan in compliance with Section 7300 of these Regulations.

- ☐ A statement signed by the applicant indicating that any required statutory notifications have been provided or that no such notifications are required.
- ☐ Copy of any relevant variance(s), stamped to document filing in the Office of the Kent Town Clerk.

DEPARTMENTAL CHECKLIST

Applicant confirms the following permits/approvals have been obtained where applicable:

Site Plan Application/ Special Permit Application		Land Use Office Monday - Friday 9am – 4pm
Septic & Well (if in Rural District)		Torrington Area Health – Cathy Weber Tuesday's beginning at 12 pm
Sewer (if in Village Center)		Joyce Kearns in the 1 st Selectman's Office
Inland Wetlands (if applicable)		Land Use Office, Monday – Friday 9am – 4pm
Flood Hazard (if applicable)		Land Use Office, Monday – Friday 9am – 4pm
Horizonline Conservation (if applicable)		Land Use Office, Monday – Friday 9am – 4pm
Fire Marshal (all but 1 & 2 family dwellings)		Land Use Office Tuesday & Thursday 3pm – 4pm

Signature

Date

5700 HORIZON-LINE CONSERVATION OVERLAY DISTRICT**5710 PURPOSE AND INTENT**

The purpose of the Horizon-line Conservation Overlay District (HCOD) is to conserve and protect the hill summits and ridges that form the high horizon visible from the town's system of roads while allowing reasonable, appropriate and compatible uses of the land. The specific goals of the District include the preservation of scenic views and vistas that are critically important to the rural landscape and character of the Town, and the minimization of erosion and sedimentation hazards caused by the development and use of steep hillsides and ridges.

5720 APPLICABILITY

1. As an overlay district, the provisions of the Horizon-line Conservation Overlay District (HCOD) apply in addition to the requirements of the underlying district or any other overlay district.
2. No additional approval under Section 5700 shall be required for any activity occurring outside of the Horizon-line Conservation District, regardless of whether other portions of the same lot are located within the District.
3. The Zoning Enforcement Officer shall be authorized to make the initial determination, based upon available information, of whether a proposed activity would occur within any portion of the Horizon-line Conservation District. If the applicant disagrees with such determination, the applicant may either:
 - a. provide additional information, such as surveyor's or engineer's mapping or flagging, to the Zoning Enforcement Officer to assist in establishing the location of the District boundary in relation to the proposed activity,
 - b. request that the issue be referred to the Commission for determination, or
 - c. file an application directly with the Commission.

5730 BOUNDARIES

The Horizon-line Conservation Overlay District (HCOD) shall consist of all of those areas shown and designated as "Horizon Belts" on a map entitled "TOWN OF KENT, CONNECTICUT Horizon-line Conservation Districts," filed in the office of the Town Clerk and dated 4/14/05, as it may be amended by the Commission. The map, with all explanatory matter thereon, is hereby declared to be a part of these Regulations.

5700

HORIZON-LINE CONSERVATION OVERLAY DISTRICT

5740 PERMITTED USES AND ACTIVITIES

5741 Permitted By Right (No Additional Zoning Authorization Required)

1. The cutting of trees is permitted only if such cutting (also see Section 5743):
 - a. does not constitute a contiguous area larger than 500 square feet in area or extending more than 100 feet in any linear dimension in the aggregate, or
 - b. does not involve the cutting of two or more trees greater than 24 inches in diameter (measured at a height of four feet from the ground surface).
2. An accessory structure less than 200 square feet in area and less than 12 feet in height is permitted provided:
 - a. no permanent foundation is constructed,
 - b. such structure conforms with setback requirements for the zoning district,
 - c. no excavation, filling or grading of land is required, and
 - d. no clear cutting of trees or cutting of two or more trees greater than 24 inches in diameter is required other than that allowed in Section 5741.1.
3. Illumination of buildings and/or structures provided:
 - a. any light fixtures shall be similar to the illustrated "Fixtures Which Would Not Generally Be Expected To Produce Glare or Light Trespass" in Section 8600 of these Regulations,
 - b. the level of illumination is the minimum illumination to accomplish its intended purpose, and
 - c. such fixtures are installed and operated in accordance with Section 8600 of these Regulations.

5742 Permitted By Zoning Permit (Staff)

1. The Zoning Enforcement Officer may authorize the installation of an accessory structure up to 500 square feet in area based upon a sketch plan submitted by the applicant and/or a field inspection of the property provided that:
 - a. the proposed structure is less than 20 feet in height,
 - b. the Zoning Enforcement Officer determines that the proposed structure will not be able to be seen from a Town road,
 - c. no clear cutting of trees or cutting of two or more trees greater than 24 inches in diameter is required other than that allowed in Section 5741.1, and
 - d. any illumination is in accordance with Section 8600.

5743 Permitted By Site Plan Approval (Commission)

1. Except as provided above, any construction, erection, alteration or placement of any building or structure, or any excavation, filling or grading of land, or any clearing of trees shall be allowed within the Horizon-line Conservation District only if the Commission approves a Site Plan for such activity in accordance with this Section of the Regulations as well as the requirements of Section 10300 of these Regulations.

5744 Permitted By Special Permit (Commission With Public Hearing)

1. Illumination of buildings and/or structures involving:
 - a. any light fixtures similar to the illustrated "Fixtures Which Would Generally Be Expected To Produce Glare or Light Trespass" in Section 8600 of these Regulations, or
 - b. "up-lighting" of flagpoles, trees or other vegetation.

5750 SUBMITTAL REQUIREMENTS

1. In addition to the Site Plan submittal requirements in Section 10300 of these Regulations, all Site Plans submitted for activity within the Horizon-line Conservation District shall include:
 - a. The indication of any tree removal either by noting individual trees or stands of trees to be removed.
 - b. Architectural drawings that show exterior wall elevations, roof lines and façade materials of proposed buildings and structures.
2. If the Commission finds that additional information is necessary to allow adequate review of a Site Plan in accordance with the standards set forth in this Section of these Regulations, it may require any or all of the following:
 - a. A physical demonstration of the potential visual impact of the proposed activity or structure by use of such measures as a balloon, platform or colorful markers, of such size and color as to be readily visible from a public road, and at an elevation to be prescribed by the Commission on the basis of the specific nature of the proposed activity.
 - b. Field marking by a licensed surveyor or other qualified individual of points deemed relevant by the Commission.
 - c. Such other information as the Commission may reasonably determine to be helpful in determining whether the proposed activity complies with the standards set forth in this Section of these Regulations.
3. Upon written request by the applicant, the Commission may waive one or more of the submittal requirements of Section 5750 if the applicant can show, to the satisfaction of the Commission, that the information is not needed to reach a decision on the application.

OWNER:
SOUTH KENT GUEST HOUSE
200 HICKS STREET, APT. 7N
SOUTH KENT, CT 06385

ARCHITECT:
CAROLYN AND RICHARD ZIGLER
200 HICKS STREET, APT. 7N
SOUTH KENT, CT 06385

DESIGNER:
ROBINSON + GERRARD ARCHITECTURE PC
100 WEST 17TH STREET, SUITE 111
BROOKLYN, NY 11201
T. 718.923.0049 F. 718.923.0248

CONTRACTOR:
CONSTRUCTION MANAGEMENT
100 WEST 17TH STREET, SUITE 111
BROOKLYN, NY 11201
T. 718.923.0049 F. 718.923.0248

NOTES:
1. ALL DIMENSIONS TO FACE UNLESS OTHERWISE NOTED.

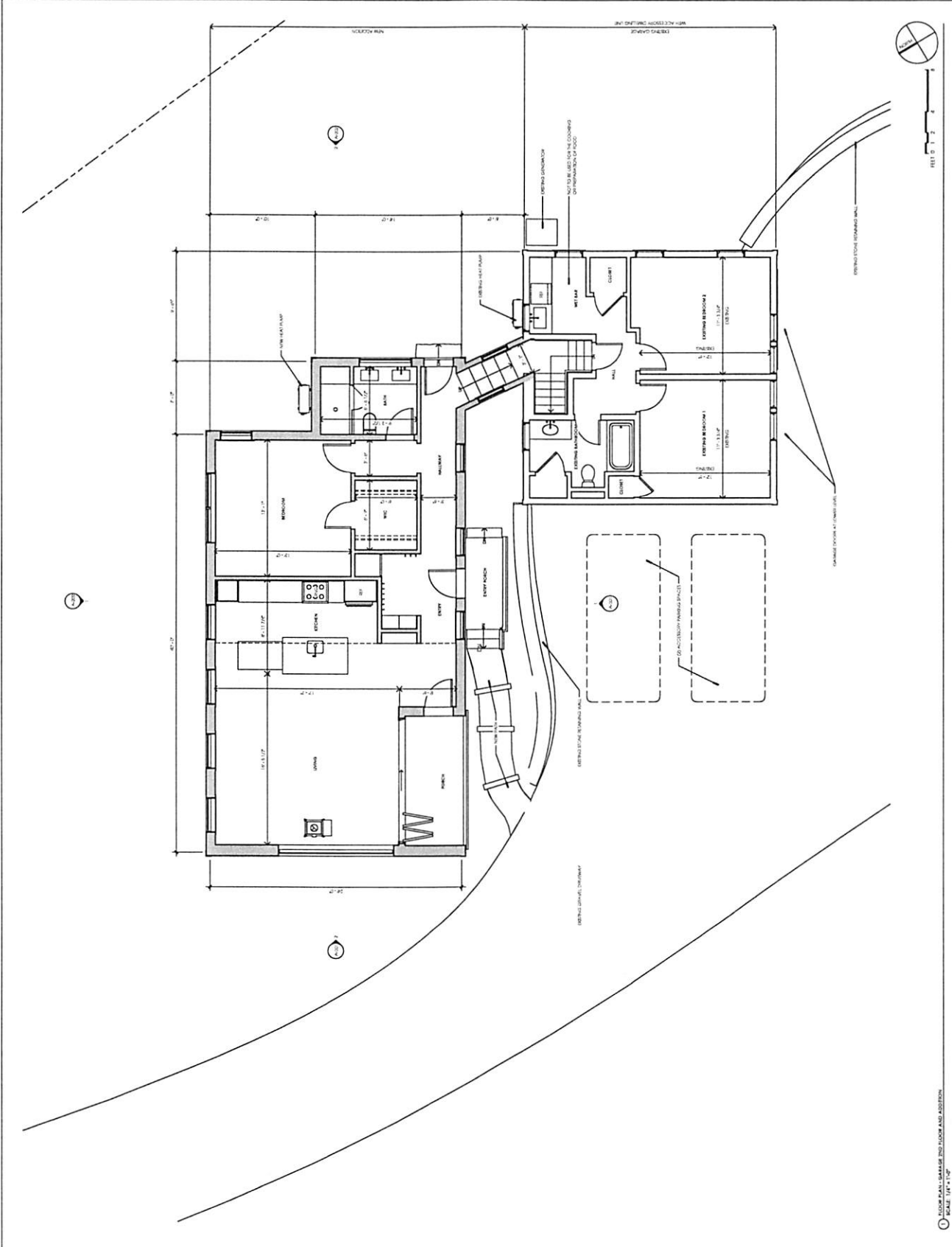
Approved for the above Planning and Zoning Commission on _____ (Date of meeting)
By _____ (Signature of Architect)
By _____ (Signature of Contractor)
By _____ (Signature of Owner)

1. PLANNING AND ZONING REVIEW
11/04/20

NOT FOR CONSTRUCTION
SOUTH KENT GUEST HOUSE
FLOOR PLAN



A-100



1. EXISTING WALL, GARAGE AND PORCH AND ADDITION
SCALE: 1/8" = 1'-0"



A-101

Property
SOUTH KENT GUEST HOUSE
2A SPAULDING FARM LANE
SOUTH KENT, CT 06785

Carolyn and Richard Zigler
200 McG Street, Apt. 7N
Brooklyn, NY 11201

ROBINSON • GISSARD ARCHITECTURE PC
56 WASHINGTON STREET, SUITE 711
BROOKLYN, NY 11201
T. 718.972.0040 F. 718.972.0043

Approved by the Land Planning and Zoning Commission on _____ (date of meeting)

Signed _____ (Signature of licensee)

Forwarded to Connecticut General Statutes Chapter 124 Section 6-32, via the Plan required and administratively signed 6 years from the date of approval on _____ (date of approval).

1. PLANNING AND ZONING REVIEW 11/04/20

NOT FOR CONSTRUCTION

PERSON IDENTIFICATION

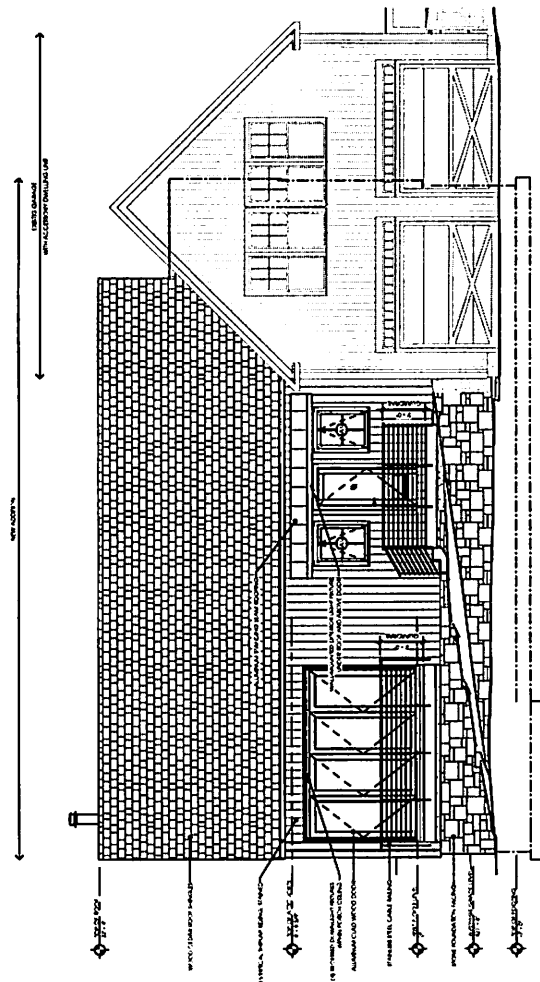
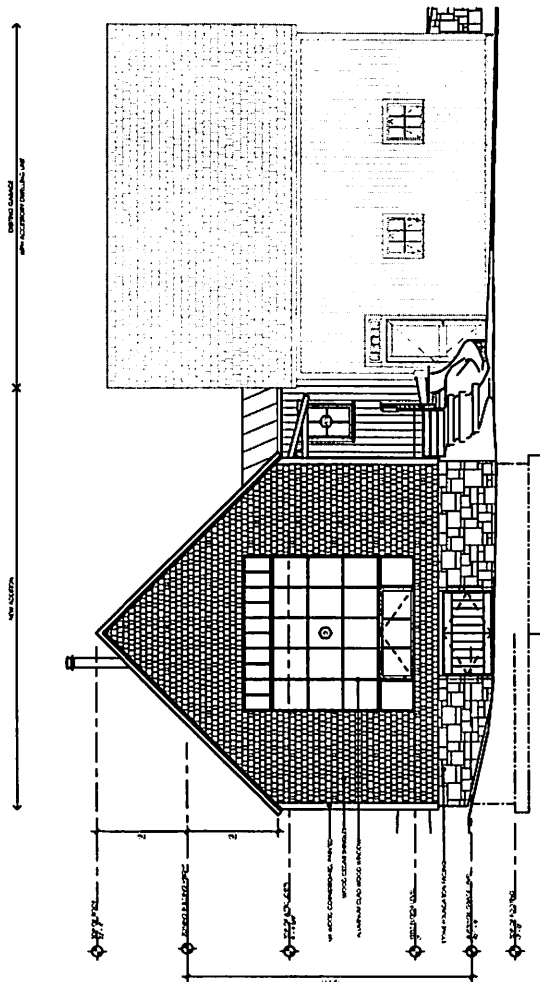
FROM THE SOUTH AND WEST EDITORIAL BOARD

D-1031



PERMITS AND APPROVALS
11/01/20

A-201



Richard & Carolyn Ziegler
24 Spaulding Farm Lane
P.O. Box 174
South Kent, Connecticut 06785
and
200 Hicks Street, 7N
Brooklyn, New York 11201
646-300-3525

November 2, 2020

Town of Kent
Planning & Zoning Commission
Kent Town Hall
41 Kent Green Boulevard
Kent, Connecticut 06757

Re: Site Plan Application for 24 Spaulding Farm Lane, South Kent

Dear Commissioners:

We have owned our property at 24 Spaulding Farm Lane since 1985. We constructed a home on the property in 1987, and an addition and attached garage in 1997-98. In 2014 we built out the attic of the garage to serve as guest quarters.

Our neighbor Dan Schiesel (at 8 Spaulding Farm Lane) has been our master contractor and craftsman for all the work we've done at our home since shortly after it was initially built, and was responsible for the addition, garage, and garage attic build-out along with numerous other projects at our house.

This letter designates Dan to be our agent for all purposes in connection with our Site Plan Application, by which we seek approval to expand the garage structure to encompass an additional bedroom, living room, kitchen and bathroom.

Our architect, Richard Grisaru of R+G Architects in Brooklyn, New York, is also authorized to speak about the project on our behalf.

Thank you very much for your consideration of our application.

Sincerely,

6.B.6



Overview



Legend

-  Parcels
-  Roads
-  City Labels

Parcel ID	1329	Alternate ID	00190400	Owner Address	ZIEGLER RICHARD F & CAROLINE L
Sec/Twp/Rng	12-35-13	Class	R		200 HICKS STREET APT 7N
Property Address	24 SPAULDING FARM LA	Acreage	11.03		BROOKLYN NY 11201-4108
	KENT				

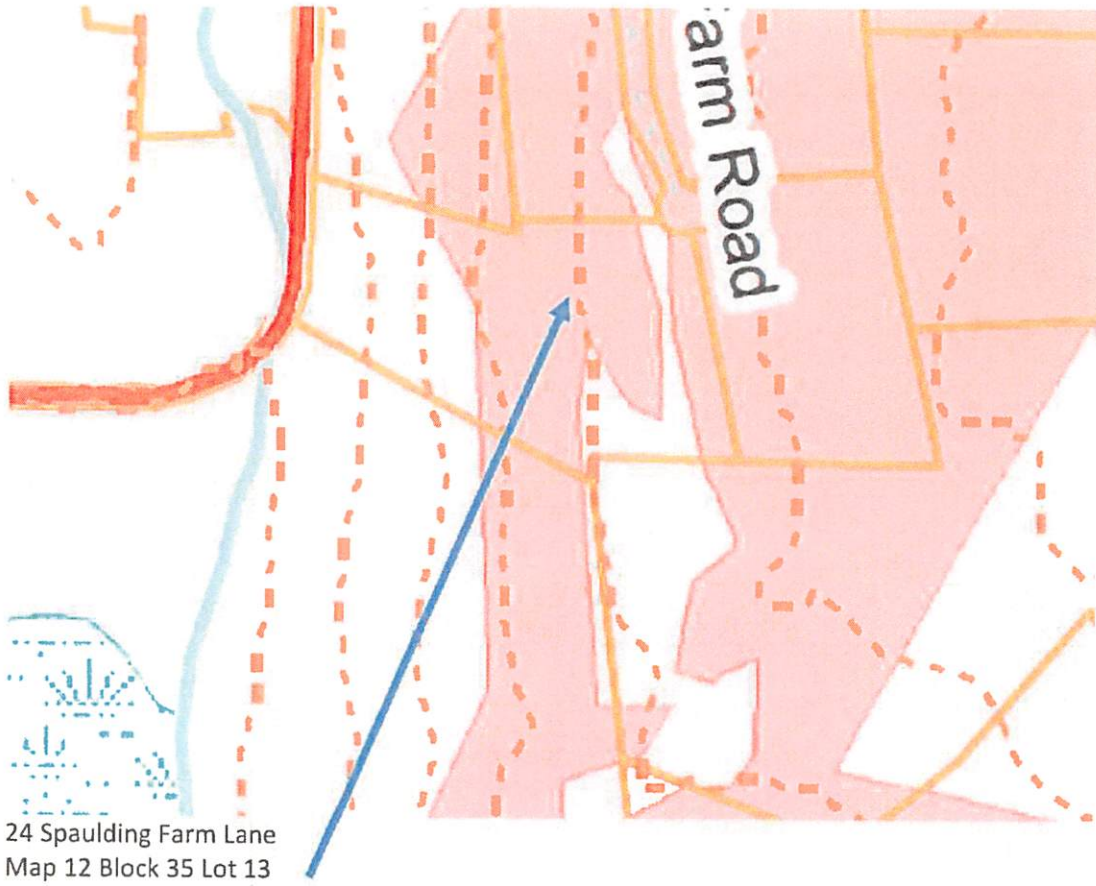
District 7A
Brief Tax Description n/a

(Note: Not to be used on legal documents)

Date created: 11/6/2020
Last Data Uploaded: 11/6/2020 12:15:03 AM

Developed by  **Schneider**
GEOSPATIAL

6.B.6



[illegible]



**MILONE &
MACBROOM**



6B6

November 9, 2020

Ms. Donna M. Hayes
Land Use Administrator
Town of Kent
41 Kent Green Boulevard
Kent, CT 06757

**RE: Site Plan Modification
Applications #106-18SP and #107-18C
High Watch Recovery Center Office and Dining Hall Addition
62 Carter Road
Kent, Connecticut
MMI #6504-02**

Dear Ms. Hayes:

Please find attached and summarized below proposed site plan modifications regarding the above-referenced project.

OFFICE ADDITION

Parking Lot

High Watch Recovery Center, Inc. (High Watch) proposes to revise the grades within the new main parking lot adjacent to the office building additions to better accommodate access and aesthetics. The grades are proposed to be raised approximately 3 feet, beginning just south of the new conference building wing. Proposed revisions resulting from this change include the following:

- Expanded the flush curb access at accessible parking spaces.
- Reduced the number of stairs at the main entry from nine to four risers.
- Reduced the height of the stone veneered retaining wall along the east side of the parking lot. The wall has been reduced approximately 3 feet along its entire length. The length of the wall has been also reduced slightly.
- Addition of new fieldstone wall between the two parking areas. This wall is approximately 2 feet high for its entire length.
- Revised the height of the modular block wall at the southwest corner. Due to raising the grade of the parking lot, this wall needs to be raised 1 foot in height for approximately 55 linear feet. The exposed wall height will remain facing west toward the woods and will not be visible from Carter Road.
- Utility structures will remain in their previously approved locations. Their top of frames and inlets will be raised as needed.
- Made minor revisions to the sloped grades facing the northwest.

Revised Entry Drive

High Watch proposes to revise the main entry drive to better accommodate visitors and the campus security system. The current design requires visitors to cross over to the left-hand side of the drive to utilize the communication box, creating the potential for vehicular collisions, driver confusion, and damage to the entry security features. High Watch proposes a paved bump-out to the west of the main entry drive to accommodate visitors entering the site. The bump-out will allow for a small median island to house the communication box on the drivers' side, creating a safer entry sequence for those without electronic gate access. Please refer to the enclosed plans for more detail.

We believe the above-outlined site modifications keep within the previously approved site plans and will result in a more accessible and safer site development for High Watch and the Town of Kent.

If you have any questions regarding the above comments, please feel free to contact me at (203) 271-1773.

Very truly yours,

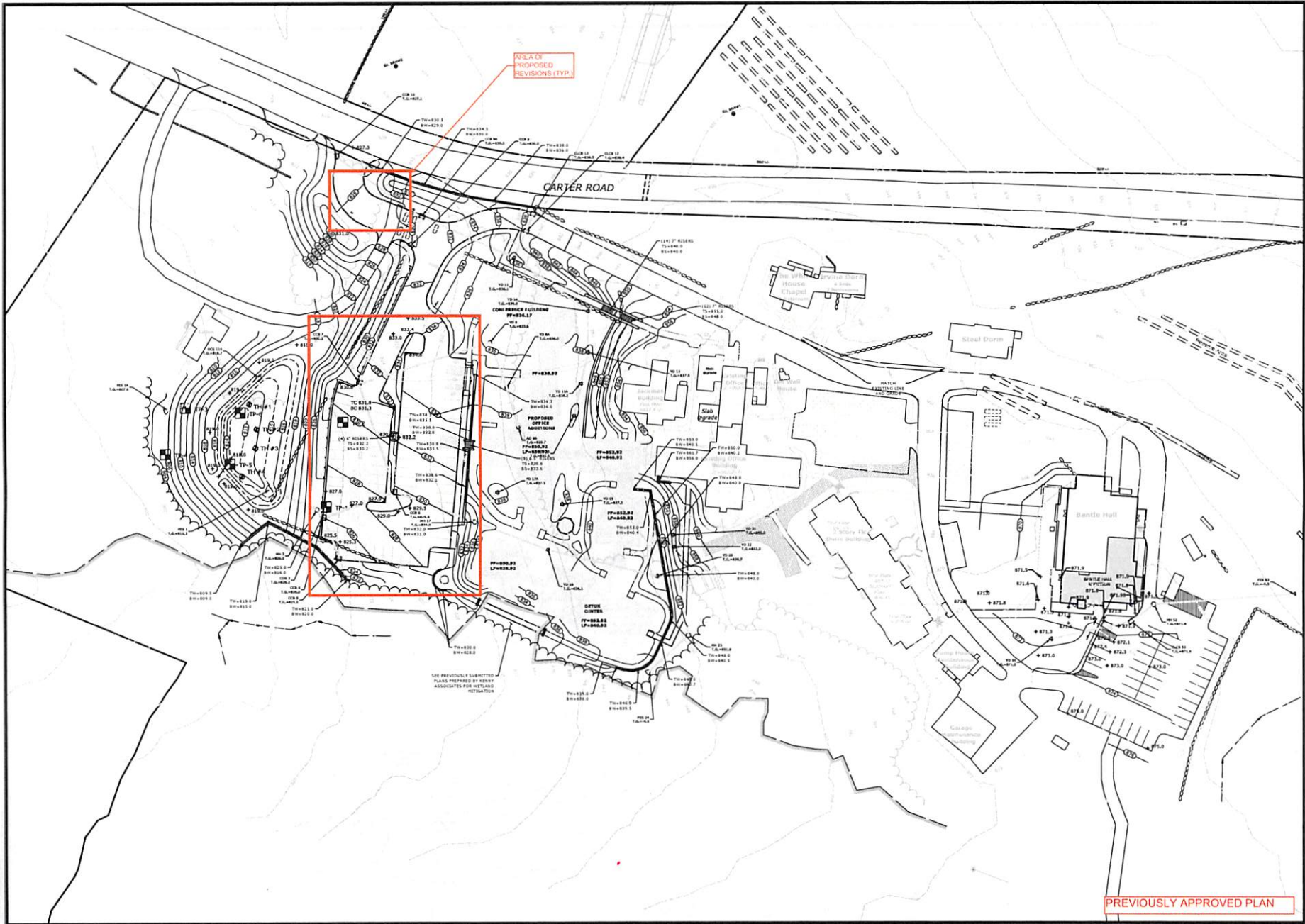
MILONE & MACBROOM, INC.





Michael T. Doherty, PLA
Principal Landscape Architect

Enclosures

6504-02-n920-ltr







MILONE & MACBROOM
ARCHITECTS & ENGINEERS
1000 WEST 10TH AVENUE
SUITE 100
DENVER, CO 80202
(303) 733-1100

DESCRIPTION	DATE	BY	
		DATE	BY
PRELIMINARY	11/15/2011	MTD	MTD
FINAL COMMENTS		MTD	MTD
PROPOSED SITE REVISIONS		MTD	MTD

SITE PLAN - GRADING

HIGH WATCH RECOVERY CENTER

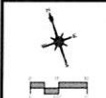
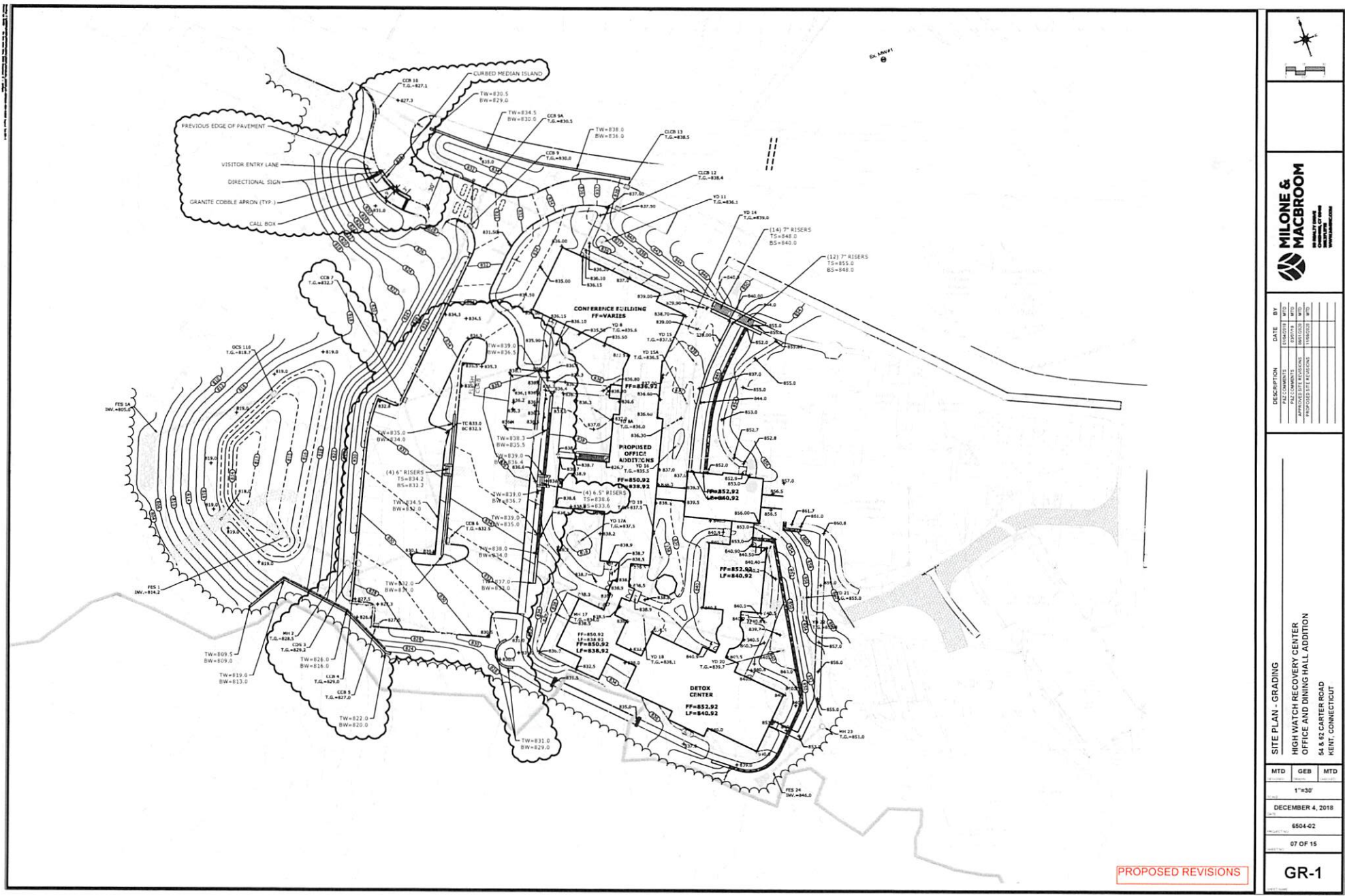
OFFICE AND DINING HALL ADDITION

64 & 62 CARTER ROAD

KENT, CONNECTICUT

MTD	GEB	MTD
1"=40'		
DECEMBER 4, 2018		
6504-02		
07 OF 15		

GR-1



DESCRIPTION	DATE	BY
PREPARED FOR		MTD
DESIGNED BY		MTD
CHECKED BY		MTD
APPROVED BY		MTD

SITE PLAN - GRADING
HIGH WATCH RECOVERY CENTER
OFFICE AND DINING HALL ADDITION
 54 & 62 CARTER ROAD
 KENT, CONNECTICUT

MTD	GEB	MTD
1"=30'		
DECEMBER 4, 2018		
6504-02		
07 OF 15		

GR-1

TOWN OF KENT PLANNING AND ZONING COMMISSION
Administrative Permits Issued
October 5 – November 6, 2020

PERMIT #	PROPERTY OWNER	PROPERTY LOCATION	FOR	MAP	BLOCK	LOT
63-20AP	Kissinger	50 Henderson Road	Construction of a 8' x 14' cement slab for generator	15	22	55
64-20AP	Wurtzel/von Brandenstein	115 Kent Cornwall Rd	Conversion of existing porch to sun room;5' wide deck	9	15	30
65-20AP	Michael T. Ward	249 South Road	Change of Use: office to guest house in detached garage	5	40	14
66-20AP	Konstantine Kapetanopoulos	17 Railroad Street	Installation of 3-phase 20KW generator	19	42	17
67-20DAP	Tegan & Michael Gawel	25 Hidden Meadow Lane	Construction of split driveway (to house & barn)	16	25	60
69-20AP	The Kent School	125 Schaghticoke Rd	Concrete pad and pump house shed	4	10	3
70-20AP	Ben Fishman	15 Jennings Road	Installation of 20' x 60' inground pool	11	40	17
71-20AP	Chris & Ana Philips Munro	15 Gorham Road	New attached garage w/guest suite above	15	22	30
72-20AP	Julie Butler	23 Maple Street	Change of Use from commercial/residential to residential	19	42	38

TOWN OF KENT PLANNING AND ZONING COMMISSION
Certificates of Compliance Issued

PERMIT #	PROPERTY OWNER	PROPERTY LOCATION	FOR	MAP	BLOCK	LOT
31-19AP	Jessica Turner	100 North Main Street	18' x 50' inground pool & equipment	19	42	1
38-20AP	Sergei Schmidt	29 Iron Mountain Road	Extension of rear deck & relocation of stairs to southerly side of deck	10	41	12

November 5, 2020

AGENDA ITEM 9.B

TOWN OF KENT Planning and Zoning by month July through September 2020

	Jul 20	Aug 20	Sep 20	TOTAL
Ordinary Income/Expense				
Income				
132-400 · P & Z Fees / Road Inspection	866.00	0.00	5,678.00	6,544.00
Total Income	866.00	0.00	5,678.00	6,544.00
Gross Profit	866.00	0.00	5,678.00	6,544.00
Expense				
A · General Government				
024-000 · PLANNING AND ZONING				
Compensation				
024-101 · Zoning Enforc. Officer	4,184.40	3,347.52	3,347.52	10,879.44
024-102 · Clerk	339.61	529.02	522.48	1,391.11
024-996 · Health	3,816.26	1,236.11	1,236.11	6,288.48
024-997 · Pension	0.00	0.00	770.26	770.26
024-998 · Social Security	338.19	290.70	285.96	914.85
Total Compensation	8,678.46	5,403.35	6,162.33	20,244.14
Department Operations				
024-202 · Postage	0.00	0.00	44.08	44.08
024-203 · Notices	0.00	211.12	83.52	294.64
024-411 · Engineering	481.55	0.00	0.00	481.55
Total Department Operations	481.55	211.12	127.60	820.27
Total 024-000 · PLANNING AND ZONING	9,160.01	5,614.47	6,289.93	21,064.41
Total A · General Government	9,160.01	5,614.47	6,289.93	21,064.41
Total Expense	9,160.01	5,614.47	6,289.93	21,064.41
Net Ordinary Income	-8,294.01	-5,614.47	-611.93	-14,520.41
Net Income	-8,294.01	-5,614.47	-611.93	-14,520.41

9. B.

11:07 AM

10/23/20

TOWN OF KENT
Planning and Zoning **Actual vs. Budget**
July through September 2020

	<u>Jul - Sep 20</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Ordinary Income/Expense				
Income				
132-400 · P & Z Fees / Road Inspection	6,544.00	15,000.00	-8,456.00	43.6%
Total Income	<u>6,544.00</u>	<u>15,000.00</u>	<u>-8,456.00</u>	<u>43.6%</u>
Gross Profit	6,544.00	15,000.00	-8,456.00	43.6%
Expense				
A · General Government				
024-000 · PLANNING AND ZONING				
Compensation				
024-101 · Zoning Enforc. Officer	10,879.44	43,518.00	-32,638.56	25.0%
024-102 · Clerk	1,391.11	7,575.00	-6,183.89	18.4%
024-996 · Health	6,288.48	19,285.00	-12,996.52	32.6%
024-997 · Pension	770.26	3,046.00	-2,275.74	25.3%
024-998 · Social Security	914.85	3,909.00	-2,994.15	23.4%
Total Compensation	<u>20,244.14</u>	<u>77,333.00</u>	<u>-57,088.86</u>	<u>26.2%</u>
Department Operations				
024-201 · Supplies	0.00	750.00	-750.00	0.0%
024-202 · Postage	44.08	400.00	-355.92	11.0%
024-203 · Notices	294.64	2,000.00	-1,705.36	14.7%
024-204 · Mileage	0.00	200.00	-200.00	0.0%
024-409 · Printing & Mapping	0.00	2,000.00	-2,000.00	0.0%
024-411 · Engineering	481.55	1,000.00	-518.45	48.2%
024-412 · Planning	0.00	2,750.00	-2,750.00	0.0%
Total Department Operations	<u>820.27</u>	<u>9,100.00</u>	<u>-8,279.73</u>	<u>9.0%</u>
Professional Development				
024-450 · Dues	0.00	250.00	-250.00	0.0%
024-451 · Conferences	0.00	125.00	-125.00	0.0%
024-452 · Training	0.00	250.00	-250.00	0.0%
Total Professional Development	<u>0.00</u>	<u>625.00</u>	<u>-625.00</u>	<u>0.0%</u>
Total 024-000 · PLANNING AND ZONI...	<u>21,064.41</u>	<u>87,058.00</u>	<u>-65,993.59</u>	<u>24.2%</u>
Total A · General Government	<u>21,064.41</u>	<u>87,058.00</u>	<u>-65,993.59</u>	<u>24.2%</u>
Total Expense	<u>21,064.41</u>	<u>87,058.00</u>	<u>-65,993.59</u>	<u>24.2%</u>
Net Ordinary Income	<u>-14,520.41</u>	<u>-72,058.00</u>	<u>57,537.59</u>	<u>20.2%</u>
Net Income	<u>-14,520.41</u>	<u>-72,058.00</u>	<u>57,537.59</u>	<u>20.2%</u>

CONNECTICUT FEDERATION OF PLANNING AND ZONING AGENCIES QUARTERLY NEWSLETTER

Fall 2020

Volume XXIV, Issue 4

PROPOSED CHANGES TO ZONING LAWS ENDANGER SINGLE FAMILY ZONE

A Bill was presented to the State Legislature proposing substantial revisions to Sec. 8-2 of the General Statutes. This statute is part of the enabling statutes that provide authority to municipalities to regulate land use. The purpose of the proposed amendment goes beyond the goal of providing more affordable housing. Instead, its purpose is to "replace segregated living patterns with integrated and balanced living patterns" and "foster inclusive communities based on protected characteristics".

In order to reach these goals, this legislation proposes that certain types of multi-family housing must be regulated in the same fashion as single-family dwellings. Thus, if a single-family home requires only a zoning permit, then a four-unit apartment building must also only require a zoning permit. Furthermore, certain named types of multi-family housing, such as townhouses and triplexes, must be allowed on 10% of a municipality's area and 50% of the area within its town center.

It is the opinion of the Federation that this proposed legislation removes the authority of a local land use agency to preserve what is known as the single-family neighborhood. Instead, the State would usurp this authority and impose in

its place a uniform statewide plan. This legislation is unnecessary as nearly all municipalities have taken steps to amend their zoning regulations so that a variety of housing choices are available to residents of this state. The proposed bill requests significant changes to how zoning authority is exercised in Connecticut and continues the uncomfortable trend of transferring power from local government and concentrating it at the state level. Federation members are encouraged to contact their state representative about this legislation.

In addition, members should also submit to www.cfpza.org any efforts they have made to improve housing diversity. The Federation can then present this to the legislature to demonstrate that this radical proposal is unnecessary.

PERSON WHO APPEALED ZONING DECISION PROTECTED FROM LAWSUIT

An eventually successful applicant that gained approval for its special exception application to construct a combined child care apartment housing complex sued an abutting property owner. This abutting property owner had opposed the various applications filed by the developer, both before the planning and zoning commission and then in court.

Written and Edited by
Attorney Steven E. Byrne
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Fall 2020

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In its lawsuit, the developer accused the abutting property owner of, among other things, interfering with its plans to construct its development by taking frivolous appeals to court which were bound to be unsuccessful and only served the purpose of delay and causing expense. The property owner raised the defense of what is known as the Noerr-Pennington Doctrine. This doctrine shields a person from liability for petitioning a governmental entity for redress.

The court found that this doctrine applies to an appeal of a decision by a zoning commission and that just because a favorable result was unlikely, it was not frivolous or vexatious for the appeal to be brought. *Procurement LLC v. Ahuja*, 197 Conn. App. 696 (2020).

VARIANCE CANNOT BE APPROVED IF PROPERTY HAS A REASONABLE PERMITTED USE

The owner of a shorefront residentially zoned parcel of land sought to rebuild his home which had been destroyed by Super-Storm Sandy. Due to the revised flood zone regulations issued by FEMA, the proposed replacement building would exceed the permitted building height. The owner sought a variance from the height restriction, which was denied by the zoning board of appeals. The board believed that any hardship was self-created as the proposed building

exceeded the building height limit by only 3.5 feet, which the board believed could be met by revising the building plans. An appeal to court followed.

The trial court sustained the appeal for two reasons. First, the court believed the hardship was not self-created as the increased building height was due to the revised FEMA regulations. Second, the proposed building would actually decrease an existing nonconformity in that the new building would now comply with lot coverage requirements which the destroyed building exceeded.

The trial court's ruling was then appealed to the Appellate Court, which reinstated the board's decision and dismissed the appeal. The court found that even though the revised FEMA regulations imposed a hardship on the property owner, this hardship did not prevent the property from being put to a reasonable use. A single-family home could still be built on the property, just not the one the property owner wanted. Disappointment does not provide a hardship worthy of a variance.

In its decision, the court reminds us that "A variance is not a tool of convenience, but one of necessity ... They are not to be granted when a reasonable use already is present, or plainly is possible under the regulations but an owner prefers otherwise."

In regard to the elimination of a nonconformity, the court dismissed this argument stating that the creation of a

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new nonconforming aspect to the property, in this case building height, cannot be the basis for a variance even when another nonconformity would be reduced. *Turek v. Zoning Board of Appeals*, 196 Conn. App. 122 (2020).

LOT LINE ADJUSTMENT IS NOT A SUBDIVISION

Just what constitutes a subdivision of land was answered by our State Appellate Court recently. The owner of 2 adjoining parcels of property sought to shift the boundary line shared by the parcels. One lot was 10 acres in size while the other was 15 acres. The lot line would result in a transfer of 10 acres from one lot to the other, resulting in a 20-acre lot and a 5 acres lot. When this plan was presented to the town planner, he referred it the Planning Commission for a determination as to whether it constituted a subdivision of land. Apparently, one of the existing lots had been split off from another parcel a number of years earlier.

The Commission said it was a subdivision due to the large amount of land that was transferred from one lot to the other and that there were actually 3 lots involved due to the earlier lot split. This substantial change, the commission believed, required that a subdivision application be filed. The property owner unsuccessfully appealed to the Superior Court. However, he met a more

favorable result with the Appellate Court.

The Appellate Court found that a boundary line change, no matter how large the amount of land is transferred, is not a subdivision. Instead, what constitutes a subdivision of land is clearly set forth in Connecticut General Statutes Sec. 8-18. It is the division of a parcel of land into 3 or more lots. In this case, there were 3 lots before the boundary line adjustment, and there would be only 3 lots afterward. Thus, no subdivision because there were no new lots created by the boundary line adjustment. *500 North Avenue LLC v. Planning Commission*, 199 Conn. App. 115 (2020).

ANNOUNCEMENTS

CFPZA Website

The Federation's website has been up and running for nearly 6 months. The web address is www.cfpza.org. On the website you can find educational materials published by the Federation as well as news items and Federation webinars. Please take time to visit us.

Workshops

If your land use agency recently had an influx of new members or could use a refresher course in land use law, contact us to arrange for a workshop to be held at your next meeting. At the price of \$180.00 per session for each agency attending, it is an affordable way for your commission or board to keep informed.

Written and Edited by
Attorney Steven E. Byrne
790 Farmington Ave., Farmington CT 06032
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attysbyrne@gmail.com
cfpza@live.com www.cfpza.org

BOOK ORDER FORM

Name of Agency: _____

Person Making Order: _____

Address: _____

Purchase Order No.: _____

"PLANNING AND ZONING IN CONNECTICUT"

at \$ 30.00 each for members Copies _____ \$ _____

at \$ 35.00 each for nonmembers

"CONNECTICUT ZONING BOARD OF APPEALS"

at \$ 25.00 each for members Copies _____ \$ _____

at \$ 30.00 each for nonmembers

"WORKSHOP BOOKLETS" at \$12.00 each for members & \$16.00 each for nonmembers

Planning & Zoning Commissions Copies _____ \$ _____

Zoning Board of Appeals Copies _____ \$ _____

Inland Wetlands & Watercourses Copies _____ \$ _____

Historic District Commissions Copies _____ \$ _____

TOTAL DUE: \$ _____

*Please make check payable to:
Connecticut Federation of Planning & Zoning Agencies*

**CONNECTICUT FEDERATION OF
PLANNING & ZONING AGENCIES**
2B Farmington Commons
790 Farmington Avenue
Farmington CT 06032



Kent Planning & Zoning Commission
Town Hall
41 Kent Green Blvd.
P.O. Box 678
Kent, CT 06757-0678