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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) 927-4541

OCTOBER 13, 2016 REGULAR MEETING MINUTES

The Town of Kent Planning and Zoning Commission held a regular meeting on Thursday, October 13, 2016 at 7:00 p.m. in the Kent Town Hall.

1. CALL TO ORDER

Mr. Johnson called the meeting to order at 7:04 p.m.

2. ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED

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

Staff Present: Donna Hayes, Land Use Administrator

Mr. Winter moved to add items 6.B.8., 6.B.9., and 6.B.10. to the agenda. Mr. Cherniske seconded and the motion carried unanimously.

3. READING AND APPROVAL OF MINUTES:

3.A. Special Meeting Minutes of August 25, 2016.

Mr. Winter moved to approve the Special Meeting Minutes of August 25, 2016, as written. Mr. Manes seconded and the motion carried unanimously.

3.B. Regular Meeting Minutes of September 8, 2016.

Mr. Manes moved to approve the Regular Meeting Minutes of September 8, 2016, as written. Mr. Winter seconded and the motion carried unanimously.

4. PUBLIC COMMUNICATIONS (ORAL):

No action taken.

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5. OLD BUSINESS:

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

No action taken.

5.B. DISCUSSION AND POSSIBLE DECISION

5.B.1. Rewrite of Zoning Regulations

Ms. Hayes advised the Commission that she was still working on the comparison of what Attorney Zizka's comments were added or not added.

6. NEW BUSINESS:

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

No action taken.

6.B. DISCUSSION AND POSSIBLE DECISION

Mr. Manes moved to hear agenda item 6.B.9. before 6.B.1. Mr. Cherniske seconded and the motion carried unanimously.

6.B.1. Modification to site plan application #72-07C, Housatonic Enterprises, Kent Green alternative signage program to include on 2' x 3' freestanding sign for W. David Herman Gallery, Map 19 Block 42 Lot 8.

Ms. Hayes explained that this was a modification to the site plan for the alternative signage program and that the sign is for a new art gallery that is located in the old Raynard and Pierce Insurance Company office.

Mr. Manes moved to approve Modification to site plan application #72-07C, Housatonic Enterprises, Kent Green alternative signage program to include on 2' x 3' freestanding sign for W. David Herman Gallery, Map 19 Block 42 Lot 8. Mr. Winter seconded and the motion carried unanimously.

6.B.2. General Statutes Section 8-24 Referral: Planning & Zoning approval for the Kenico Road realignment, Map 15 Block 22 Town Road.

Ms. Hayes told the Commission that the Town was doing some realignment of Kenico Road due to the severity and steepness of the curve. She also informed them that the Town had received the approval from the Inland Wetlands Commission because there are wetlands and a vernal pool that would be affected by this realignment. It was noted that the trees along the area had already been marked for removal.

Mr. Wyrick commented that it would have been more helpful if the existing road layout had been included on the information that was submitted. Ms. Hayes said that it was provided but was very difficult to see. If Mr. Wyrick wanted her to, she could get the full size plans from Mr. Osborne.

Mr. Manes moved to approve General Statutes Section 8-24 Referral: Planning & Zoning approval for the Kenico Road realignment, Map 15 Block 22 Town Road. Mr. Wyrick seconded. During discussion, Mr. Wyrick

asked if funding had been provided for this work and Ms. Hayes replied that it had gone through the capital plan, is fully funded and the Town would be doing the work. With no further discussion, the motion carried unanimously.

- 6.B.3.** Modification to Special Permit #020-10SP and Site Plan #021-10C, MCCA, Inc., 62-64 Kent Cornwall Road, change of use to a private school and 11 bed adolescent treatment facility, Map 9 Block 43 Lot 11; modification to include increase to 18 bed facility.

Mr. Cherniske recused himself from this discussion.

Mr. Johnson elevated Mr. Weingarten to voting status.

Attorney Thomas Beecher, Collins Hannafin, P.C.; Mr. Joseph Sullivan, Retiring President and CEO of MCCA; Mr. John D'Eramo, New President and CEO of MCCA; and Father John Kreta, Director MCCA/Trinity Glen, were all present to address the Commission.

Atty. Beecher began by giving the Commission the background of MCCA's operation in Kent. He also updated the Commission on the past three years of activities. Atty. Beecher then told the Commission that they were before them to request that the special permit be modified to allow an increase in the number of adult, women clients from 11 to 18. Four of the 7 client increase will be housed in the existing caretaker's cottage with the remaining 3 being placed in an enlarged bedroom in the main house. The caretaker's cottage will also house a full bathroom and office. Atty. Beecher said that there will be no change to the existing site plan. He then introduced Mr. Sullivan.

Mr. Sullivan explained that the reason for the increase is due to the increase in opiate dependency cases and that while most of their clients are alcohol dependent, 30% are opiate dependent with some specific heroin dependencies. He stressed that all of their clients are detoxed before coming to Kent. Mr. Sullivan continued that since they opened in 2013, they have been virtually full and have 11 clients almost half of the month. They have never been below 9 clients and that 25 of the 30 days of September they have been full. This request for additional clients is based on the growing need and their belief that they should not have to turn those away who are looking for help. Mr. Sullivan admitted that the original request for 11 beds was their decision and that this new request of a 7 client increase would eliminate the need for MCCA to come back in the future for an additional increase.

Father John then spoke to the Commission and explained what their current program is.

Atty. Beecher told the Commission that they had been working with Torrington Area Health to ensure they are in compliance with the health requirements and introduced Engineer Pat Hackett who designed the original system. Mr. Hackett explained that the original system was overbuilt to handle up to 24 clients and that the MLSS could support 18. After conversations with Cathy Weber, Kent Town Sanitarian, it was determined that an additional application and a B100A would have to be submitted before the client base can be increased. Mr. Hackett said that he did not think it was much of an issue.

Atty. Beecher then stated that there will be no increase in traffic and there will be no changes to the existing site plan.

Mr. Johnson said that he agrees with almost all of what was said by the applicant but stated that a 64% increase in the number of clients was a large increase in the capacity and the request for the modification should go to a public hearing.

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Ms. Hayes then read §4.15.9 which states that “An approved Special Permit may be amended or modified, provided that the application shall be made in the same manner as the original application and subject to the same procedures for approval. Amendments to the Special Permit found to be of a minor nature or which would not substantially alter the Special Permit as determined by the Zoning Enforcement Officer may be approved by the Commission without another public hearing. Amendments to the Special Permit which would substantially alter the Special Permit or increase the existing building coverage or gross floor area of the use by 10% or more may be approved by the Commission only after a public hearing.”

Discussion continued on the section with some of the Commission members feeling that this was not a major alteration to the special permit and should not require a public hearing. Some of the members felt that they have a duty to keep the public informed about changes to a use that drew quite a lot of public comment when the application first came before the Commission.

Mr. Winter moved to hold a public hearing on November 10, 2016, to discuss the Modification to Special Permit #020-10SP and Site Plan #021-10C, MCCA, Inc., 62-64 Kent Cornwall Road, change of use to a private school and 11 bed adolescent treatment facility, Map 9 Block 43 Lot 11; modification to include increase to 18 bed facility. Ms. Hicks seconded and the motion carried unanimously.

6.B.4. Application #81-16C, Wyrick Associates for St. Andrews Episcopal Church, 1 North Main Street, 8' x 10' storage shed, Map 19 Block 14 Lot 7.

Mr. Cherniske returned to the meeting.

Mr. Wyrick recused himself from this discussion.

Mr. Johnson elevated Ms. McAndrew to voting status.

Ms. Hayes explained that St. Andrew's Church was asking for permission to put up an 8' x 10' storage shed adjacent to the existing garage. She explained that the applicant had appeared before the Architectural Review Board and received a conditioned permission. The conditions were that they revise the paint application to the trim, and a suggestion to raise the shed off of the gravel base and install a skirt board around the bottom to make it look more permanent. Both of those suggestions were agreed to. It was noted that this shed will not be seen from either Routes 341 or 7. Mr. Winter asked if this would affect the total lot coverage and Ms. Hayes said that she did not think so.

Mr. Manes moved to approve Application #81-16C, Wyrick Associates for St. Andrews Episcopal Church, 1 North Main Street, 8' x 10' storage shed, Map 19 Block 14 Lot 7. Mr. Weingarten seconded and the motion carried unanimously.

6.B.5. Permit #31-16C, William Morrison for Irvlen Equity, LLC, 0 North Main Street, construction of new retail gallery, Map 19 Block 42 Lot 9; discussion regarding Anchor Engineering Concerns.

Mr. William Morrison, Mr. John Allee and Mr. Pat Hackett were present to address the Commission.

Mr. Hackett explained that he had not been able to come to an agreement with the requirements set forth by Anchor Engineering with regard to the stormwater management on the property. He explained his design standards and how he came up with his calculations and discussed the fact that he had many conversations with Ms. Denise Lord of Anchor Engineering.

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Ms. Hayes relayed a conversation she had with Ms. Lord regarding their review. One of the solutions that Ms. Lord came up with is the installation of two additional dry wells. Mr. Hackett said that he was not sure they would work and questioned the additional cost of adding them which was anticipated to be between \$5,000 and \$7,000 each. Mr. Allee asked if the Commission would allow the work to begin if they agreed to install the additional dry wells. A definitive answer was not given.

One of the other issues that was noted by Ms. Lord was the fact that the most recent information that was submitted by Mr. Hackett no longer contained all the changes that were requested and made during the first review. Mr. Hackett replied that he was not aware of that but that the site plan that was presented to the Commission this evening contained all the changes suggested by Anchor Engineering.

It was noted that it seemed that Anchor Engineering was more concerned with where the water would be going off the site than how it would be handled when it was on the site. Questions were raised about the legalities of stormwater management with most of the Commission members unaware of what they were. Mr. Winter said that he would like to have a better understanding of the legalities before he could make a decision. Ms. Casey suggested that a representative from Anchor Engineering visit the site so that they could actually see the conditions. A clearer definition of the principles would also need to be provided and it was suggested that both Anchor Engineering and Mr. Hackett's plan be run to see what the true impact would be. Mr. Wyrick said that both Anchor Engineering and Mr. Hackett should continue to work together so that a solution can be reached. Mr. Allee asked if they would need to appear before the Commission again if a satisfactory solution could be reached prior to the next meeting.

Mr. Manes moved to continue to the next regular meeting Permit #31-16C, William Morrison for Irvlen Equity, LLC, 0 North Main Street, construction of new retail gallery, Map 19 Block 42 Lot 9; discussion regarding Anchor Engineering Concerns. Mr. Wyrick seconded and the motion carried unanimously.

- 6.B.6. Modification to Site Plan Permit #80-07C, Housatonic Enterprises, Kent Green, new gazebo and new roof and windows on existing building in the Kent Village District, Map 19 Block 42 Lot 8 and Map 10 Block 42 Lot 2; modification to include relocation of gazebo from Landmark Lane, Map 10 Block 42 Lot 2, to Kent Green Boulevard, Map 19 Block 42 Lot 8.

Ms. Hayes explained that Mr. Casey wanted to relocate the gazebo from its existing location to the island area on the northern side of the Kent Green. She continued that he had appeared before the Architectural Review Board where the suggestion had been "met with enthusiasm".

Mr. Manes moved to approve Modification to Site Plan Permit #80-07C, Housatonic Enterprises, Kent Green, new gazebo and new roof and windows on existing building in the Kent Village District, Map 19 Block 42 Lot 8 and Map 10 Block 42 Lot 2; modification to include relocation of gazebo from Landmark Lane, Map 10 Block 42 Lot 2, to Kent Green Boulevard, Map 19 Block 42 Lot 8. Mr. Winter seconded and the motion carried unanimously.

- 6.B.7. Application #88-16C, Kinney Woodworking for James & Abby Babski, 15 Mountain Road, construction of addition and screened porch in HorizonLine Conservation District, Map 10 Block 41 Lot 13.

It was noted before discussion that the address is 15 Iron Mountain Road not 15 Mountain Road.

Mr. Jack Kinney, Kinney Woodworking, and Mr. Scot Samuelson were present to address the Commission.

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It was explained that they were proposing an addition to the rear of the house and as a result would have to cut down approximately 20 trees. Of the 20 trees, only one was larger than 24" in diameter. When asked if the addition would be seen from South Road, they replied that a very small portion could be seen through the trees.

Ms. Hayes commented that there is a conservation easement on the property and that she has proof that the proposal had been sent via certified mail to the easement holder. As of the meeting, she has not received any response from them.

Mr. Johnson asked about exterior lighting. Mr. Samuelson said that he did not believe that any lighting would be added.

Mr. Manes moved to accept waiver to sections 4.3.9., 4.3.10., 4.3.11., 4.3.12., 4.3.13., and 4.3.14. Mr. Winter seconded and the motion carried unanimously.

Mr. Manes moved to approve Application #88-16C, Kinney Woodworking for James & Abby Babski, 15 Mountain Road, construction of addition and screened porch in HorizonLine Conservation District, Map 10 Block 41 Lot 13. Mr. Weingarten seconded and during discussion Mr. Winter asked that the following be added to the motion: that any exterior lighting be full cut off and downward in nature. Both Mr. Manes and Mr. Weingarten agreed to the amendment and the motion carried unanimously.

6.B.8. Application #89-16C, Shannon Strong for Kenmil Realty Corp, 64 Maple Street, change of use from medical office to medical office/personal services, Map 4 Block 12 Lot 8.

Ms. Casey recused herself from this discussion.

Ms. Strong was present to answer questions by the Commission. She explained that she had rented approximately 50% of the building located at 64 Maple Street in order to run her business, Strong Core Team Training. In addition to her business, there are areas which will possibly be rented to a massage therapist, reiki master or other similar business.

Ms. Hayes explained that the existing structure had been a retail establishment, bait & tackle shop, automotive shop, upholstery shop and KeroSun's office before its current use as Kent Primary Care. She continued that she felt the new proposed use would fit under section 8.1.8., personal service. With regard to parking, Ms. Hayes explained that there are currently 41 parking spaces, 2 of which were handicap. According to her calculation, Ms. Strong would need 15 parking spaces for her business. Since the property is serviced by a septic system, an application was submitted to Torrington Area Health District and approved by Town Sanitarian, Cathy Weber.

Ms. McAndrew asked Ms. Strong if there would be any retail sales and Ms. Strong said that she did not think so. She continued that she would like to be able to use the space for health and wellness informational meetings.

Mr. Manes moved to approve Application 89-16C, Shannon Strong for Kenmil Realty Corp, 64 Maple Street, change of use from medical office to medical office/personal services, Map 4 Block 12 Lot 8. Mr. Cherniske seconded and the motion carried unanimously.

Ms. Casey returned to the meeting.

6.B.9. Permit #76-16AP, the Marvelwood School, construction of geodesic dome greenhouse; update on lighting used, Map 7 Block 17 Lot 1.

Mr. Winter recused himself from this discussion.

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Ms. Alicia Winter was present to inform the Commission of the lighting fixtures that were chosen for the geodesic greenhouse. She explained that there would be two flood lights installed inside the greenhouse providing her with enough light to see all areas of the greenhouse. When asked how often they would be on, Ms. Winter replied that they would only be lit between the hours of 3 and 5 p.m. There will some occasional times when the lights will be on outside of the normal hours. Ms. Winter explained that there is a timer connected to the interior lights. Mr. Johnson asked if the bottom switch on the shown timer box was the on/off switch. Ms. Winter said that she did not know and usually just turns on the 2-hour switch when she enters the dome.

There are also exterior lights over the front door that are motion sensed. Ms. Hayes asked how sensitive they were and wondered if they would go on if a racoon walked by. Ms. Winter said that she did not know and Mr. Manes commented that the sensitivity could be adjusted.

Mr. Cherniske said that he was not concerned with the floodlights in the interior of the dome as the shell of the dome would diffuse the lights. He was glad to see that the exterior lights had downward facing shields.

Mr. Manes moved to approve the lighting being used in the interior of the geodesic dome greenhouse. Mr. Cherniske seconded and the motion carried unanimously.

Mr. Winter returned to the meeting.

6.B.10. Modification to site plan application #72-07C, Housatonic Enterprises, Kent Green alternative signage program to include one 34" x 80" wall mounted sign for Kent Yoga & Bodyworks, 2 Green Pastures Lane, Map 10 Block 42 Lot 2.

Ms. Hayes explained that the owner of Kent Yoga & Bodyworks was originally located in the Kent Village Barns. At that location she had a 34" x 80" wall-mounted sign which she now wants to move to her current location in the Kent Town Green. According to Mr. Casey, owner of the property, the sign will be located on the western wall of the building. Her existing freestanding sign will remain.

Mr. Winter moved to approve Modification to site plan application #72-07C, Housatonic Enterprises, Kent Green alternative signage program to include one 34" x 80" wall mounted sign for Kent Yoga & Bodyworks, 2 Green Pastures Lane, Map 10 Block 42 Lot 2. Mr. Manes seconded and the motion carried unanimously.

7. STAFF REPORT:

7.A. Executive Session. Pending Litigation: Planning & Zoning Commission of the Town of Kent Et Al v. Burt, Kenton L. Et Al, Docket No. LLI-CV-16-6013331-S in Litchfield Superior Court. Discussion of strategy and negotiations with legal counsel.

The Commission did not go into Executive Session. Ms. Hayes explained that the property owner had meet all the requirements of the judgement by removing all but one car from the property. That remaining car was registered with the DMV.

7.B. Creation of Interview Subcommittee – Part Time Land Use Clerk

Mr. Manes moved to create an interview subcommittee for the hiring of a part-time land use clerk to consist of: Mr. Johnson and Mr. Winter. Ms. Casey seconded and the motion carried unanimously.

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8. REPORT OF OFFICERS AND COMMITTEES:

8.A. Presentation of Incentive Housing Zone Subcommittee

Mr. Winter asked Ms. Hayes to send out a Doodle Poll in order to schedule a meeting at 6:00 p.m. on either 10/25, 10/27, 11/2 or 11/3.

Mr. Manes moved to continue the Presentation of the Incentive Housing Zone Subcommittee to the next regular meeting. Mr. Weingarten seconded and the motion carried unanimously.

9. OTHER COMMUNICATIONS AND CORRESPONDENCE:

9.A. Financials FY 2016 - 2017

No action taken.

9.B. Administrative Permits and Certificates of Compliance

No action taken.

9.C. Town of Sherman, Request for Comment to Amendment to Zoning Regulations

No action taken.

10. ADJOURNMENT

Mr. Winter moved to adjourn at 9:39 p.m. Mr. Manes seconded and the motion carried unanimously.

Respectfully submitted,



Donna M. Hayes, CZEO
Land Use Administrator

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