

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

RECEIVED FOR RECORD
KENT TOWN CLERK

2015 JAN 20 A 11: 31

BY *Donna Hayes*
TOWN CLERK

JANUARY 14, 2016 REGULAR MEETING MINUTES

The Town of Kent Planning and Zoning Commission held a regular meeting on Thursday, January 14, 2016 at 7:00 p.m. in the Kent Town Hall.

1. CALL TO ORDER

Chairman Johnson opened the meeting at 7:00 p.m.

2. ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED

Commissioners Present: John Johnson, Wesley Wyrick, Darrell Cherniske, Ann McAndrew, Karen Casey, Adam Manes, Marc Weingarten, Rich Chavka and Matt Winter abstaining from voting on all applications.

Staff Present: Donna Hayes, Land Use Administrator
Jennifer Calhoun, Land Use Clerk

3. READING AND APPROVAL OF MINUTES:

3.A. Regular Meeting Minutes of December 10, 2015.

Mr. Manes moved to approve the Regular Meeting Minutes of December 10, 2015, as written. Mr. Weingarten seconded and the motion carried unanimously.

Mr. Manes moved to add item 9.D. to the agenda. Mr. Wyrick seconded and the motion carried unanimously.

4. PUBLIC COMMUNICATIONS (ORAL):

No public communications at this time.

5. OLD BUSINESS:

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

5.B. DISCUSSION AND POSSIBLE DECISION

5.B.1. Rewrite of Zoning Regulations

TOWN OF KENT PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES FOR JANUARY 14, 2016

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.

Mrs. Hayes reported that she spoke with Attorney Mike Zizka, John Johnson and Bruce Adams, the First Selectman. They all agreed not to have a comprehensive review of the regulations by Attorney Zizka. That review would have cost \$15,000 and taken 2 months. There is a meeting scheduled for January 28th at 7:00 p.m. The Incentive Housing Zone Committee will meet at 6 p.m. that same day.

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. Application #97-15C, 3 Maple Street, LLC, change of use from retail to restaurant, Map 19 Block 42 Lot 33.

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

Mr. Paul Szymanski, Professional Engineer for Arthur Howland, LLC, was present to represent the application. He explained that the application was for a change of use from retail to restaurant. He submitted floor plans. He explained that there were 8 parking spaces on site, but that a shared parking agreement between 3 Maple Street, 9 Maple Street and 10 North Main Street would be filed as per the application approved by the Commission last year. He noted that the parking spaces needed, as per the zoning regulations for their establishment would be 36. He also added the hours of operation for the restaurant. He noted that the formal room would open 3 nights from 6:00-9:30 p.m. only by reservation. It would also be closed January through mid April. He added that he was comfortable that there was adequate parking available for the restaurant.

Mr. Manes asked how many parking spaces were needed for Gifford's restaurant, located on the 9 Maple Street property. Mr. Szymanski noted that he did not know, based on historic parking he restated that he thought there would be adequate parking.

Ms. McAndrew asked how many parking spaces were available and Mr. Szymanski stated that there were 106 spaces.

Mr. Szymanski noted that for 3 nights out of the week, from 6:00-9:30 they would require the 36 parking spaces. With no outside parking, that would reduce the parking spaces required by 8 and no formal room and that would reduce the parking spaces by another 10. They would require 19 spaces during the day.

Mrs. Hayes asked if they would take special events in the formal room while it was closed to the public. Mr. Szymanski stated that he did not think that was the intent of the room. Mrs. Hayes asked about having take-out and Mr. Szymanski stated that they would.

Mr. Weingarten asked about a delivery parking space. Mr. Szymanski stated that there was a loading space by the Gleason building.

Mrs. Hayes thought that 3 parking spaces in the lot behind the restaurant were already designated as 15-minute parking spaces as per the last application. No one thought that was the case, but they asked Mrs. Hayes to double-check.

Mr. Johnson stated that he did not think there was enough parking spaces for the business. He did not want to create a hazard for adjacent uses and property owners, nor a safety problem.

**TOWN OF KENT PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES FOR JANUARY 14, 2016**

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.

Mr. Szymanski stated that they could track the parking usage and give a more detailed parking report.

Mr. Weingarten stated that there could be a parking problem with this far more intensive use. It could increase the burden on Main Street parking.

Mr. Manes asked that they show all the parking, including the parking in the State right-of-way.

Mr. Johnson noted that he did not think that having the employee parking in the back of the site would make a difference. He asked for the peak usage of all the uses in the facility.

Ms. McAndrew added that she thought there was not enough parking during the day.

Mr. Szymanski noted that half the restaurant was closed during the day.

James Neunzig from Gifford's Restaurant stated that they took-up most of the parking at night. He noted that he thought it would not add up if there were 30 tenants, 2 being restaurants, with 106 parking spaces.

Mr. Johnson noted that he wanted more information. Mr. Szymanski agreed to provide more information.

Mr. Manes moved to table item 6.B.1. until the next meeting. Mr. Weingarten seconded and the motion carried unanimously.

6.B.2. Renting of rooms at 81 North Main Street, Map 19 Block 15 Lot 5.

Mrs. Hayes stated that she had asked Attorney Zizka about section 7.1.4 in the zoning regulations and had received a response that she handed out to the Commission. She explained that the main house is already a boarding house, but the owner no longer lives on the premises. The owner would like to continue the boarding house use, but the regulation is ambiguous. Mrs. Hayes added that the Fire Marshal stated that the owner does not need to live on the premises for his approval.

The owner then explained the property to the Commission. He noted that there was a separate building that housed 8 units that he rents. Also, there is a bungalow that he rents also. A unit is attached to the house, like an old servants quarters. This is also rented. The Victorian House has 5 beds and 5 baths. He added that there was plenty of parking. Mostly individuals rent these rooms and occasionally have couples.

Mr. Johnson stated that it meets a real need in town.

Mr. Manes stated that boarding room is not defined in the regulations.

The Commission then spoke briefly about not regulated rooms for rent on Air B&B.

Ms. Casey wondered if the Commission would be opening a pandora's box by allowing this use without the owner living on the property.

Mr. Manes suggested changing the new regulations for this section if the Commission is uneasy with how it is written. He added that this was a suitable property. He also noted that if they discuss this section in the new regulations, it would not open a pandora's box.

Mrs. Hayes noted that it had been an approved use for the property, but the previous owner had lived there.

Mr. Johnson noted that he would have a different opinion if this was in the Rural District.

Mr. Winter stated that why would the regulation reference the owner if they would not have to be on the property. But, he felt that this use was good for this property.

Mr. Manes stated that the regulation is unclear and the Attorney's e-mail stated that the Commission could approve the use without the owner living on the property.

Mr. Manes moved to allow the continuation of the current use of 81 North Main Street based on its historic use, the need of the use in the Town center and based on the Planning & Zoning's attorney's response to Ms. Hayes' email of January 14, 2016, Map 19 Block 15 Lot 5. Mr. Weingarten seconded and the motion carried unanimously.

6.B.3. 2014 Annual Monitoring Report, Natural Resource Management Plan, Bull's Bridge Golf Club.

The report was submitted to the Commission for their review. The report tests private wells around the golf course yearly for contamination. This report stated that the contaminants did not come from the golf course. The report suggested that it was from salt used on the town roads.

Mr. Johnson stated that perhaps the Commission should have another set of eyes to look at the data. He asked Mrs. Hayes to ask the Audobon to review the report. Mrs. Hayes also suggested having Cathy Weber from Torrington Area Health Department to review it also. The Commission was also uneasy with the dates in the report with the data.

7. STAFF REPORT:

7.A. Cease and Desist Order: 8 South Road, Map 10 Block 40 Lot 38

Mrs. Hayes explained that the cars are still there.

Mr. Manes wondered if she spoke to Attorney Zizka. Mrs. Hayes noted that she had and that he stated it would take 3 months for an injunction. She talked to the owner on December 22nd and the owner noted that he had legal issues to take care of and that he would not be available for awhile. She decided that she would hold off through the holidays. The owner's wife called and said that the owner would not be available until February 14th.

Mr. Manes stated that he would like to have Mrs. Hayes contact Attorney Zizka and issue the order.

Mrs. Hayes noted that it would be 3 months before the courts would do anything and that they could always withdraw the order if he moves the cards. She added that the more opportunities you give the violator, the better the town looks in court.

Mrs. Hayes will move forward and start the legal process.

8. REPORT OF OFFICERS AND COMMITTEES:

There was no reports.

9. OTHER COMMUNICATIONS AND CORRESPONDENCE:

9.A. Administrative Permits and Certificates of Compliance

The Commission received this document.

9.B. Town of Warren – Zoning Text Amendment Referral

The Commission received this document.

9.C. Financials: July through November, 2015.

Mrs. Hayes noted that the budget was due on Friday.

9.D. Northwest Hills Transportation Vision and Policies, Draft 1-1-16 and Regional Transportation Wish List, NWHCOG, as of 1-14-2016.

The Commission received this document and felt like they needed time to review it.

Mr. Wyrick moved to table review of this document. Mr. Manes seconded and the motion carried unanimously.

10. ADJOURNMENT

Mr. Wyrick moved to adjourn the meeting at 8:22 p.m. Mr. Manes seconded and the motion carried unanimously.

Respectfully submitted,



Jennifer Calhoun
Land Use Clerk

RECEIVED FOR RECORD
KENT TOWN CLERK

2015 JAN 20 A 11:31

BY *Handwritten Signature*
TOWN CLERK