

**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

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KENT TOWN CLERK

2015 FEB 17 P 4: 04

BY *Donna Hayes*  
TOWN CLERK

**FEBRUARY 12, 2015 REGULAR MEETING MOTIONS**

The Town of Kent Planning and Zoning Commission held a regular meeting on Thursday, **February 12, 2015 at 7:00 p.m.** in the Kent Town Hall.

**1. CALL TO ORDER**

Mr. Johnson called the meeting to order at 7:02 p.m.

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

Commissioners Present: John Johnson, Chairman; Karen Casey, Richard Chavka, Darrell Cherniske, Dennis De Paul, Alice Hicks, Adam Manes, Matt Winter

Staff Present: Donna Hayes, Land Use Administrator

Mr. Johnson elevated Mr. Chavka to voting status.

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

**3.A.** Regular Meeting Minutes of October 9, 2014

*Ms. Hicks moved to approve the Regular Meeting Minutes of October 9, 2014, as re-written by order of the Commission. Mr. Cherniske seconded and the motion carried unanimously.*

**3.B.** Regular Meeting Minutes of November 13, 2014.

Mr. De Paul noted that the word "soul" in the first paragraph, line 4, on the 6<sup>th</sup> page be changed to "sole".

*Mr. Cherniske moved to approve the Regular Meeting Minutes of November 13, 2014, as re-written by order of the Commission with the change noted by Mr. De Paul. Mr. De Paul seconded and the motion carried unanimously.*

**3.C.** Regular Meeting Minutes of December 11, 2014.

Mr. De Paul noted that the word "tap" in the second paragraph, line 2, on page 2 be changed to "tape".

*Mr. Cherniske moved to approve the Regular Meeting Minutes of December 11, 2014, as re-written by order of the Commission with the change noted by Mr. De Paul. Mr. De Paul seconded and the motion carried unanimously.*

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**3.D. Regular Meeting Minutes of January 8, 2015.**

*Mr. Winter moved to approve the Regular Meeting Minutes of January 8, 2015, as written. Mr. Cherniske seconded and the motion carried unanimously.*

**3.E. Special Meeting Minutes of January 22, 2015.**

*Mr. De Paul moved to approve the Special Meeting Minutes of January 22, 2015, as written. Mr. Winter seconded and the motion carried unanimously.*

**4. PUBLIC COMMUNICATIONS (ORAL):**

No action taken.

**5. OLD BUSINESS:**

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

- 5.A.1.** Application #'s 105-14C and 106-14SP, Arthur H. Howland & Associates for Kerin & Jason Hempel, 63 Howland Drive, construction of pool and accessory dwelling unit/pool house, Map 11 Block 40 Lot 40.

Mr. Johnson reopened the public hearing at 7:08 p.m.

*Mr. Manes moved to close the public hearing at 7:20 p.m. Mr. Cherniske seconded and the motion carried unanimously.*

*Mr. Winter moved to approve Application #'s 105-14C and 106-14SP, Arthur H. Howland & Associates for Kerin & Jason Hempel, 63 Howland Drive, construction of pool and accessory dwelling unit/pool house, Map 11 Block 40 Lot 40. Mr. Manes seconded.*

During discussion, Mr. Johnson asked that a clause that the removal of the residence restriction area from the revised site plan has no bearing on zoning or that the Planning and Zoning Commission's referred to their attorney's opinion be added to the motion.

*Mr. Winter moved to add that the Planning and Zoning Commission has not concerned itself with the residence restriction area shown on map 637B; that the clearing shown on the most current map is the maximum clearing in the hopes that they will not clear as many trees as they show to be cleared; and that any plans for exterior lighting will have to come back before the Commission for approval. Mr. De Paul seconded as amended and the motion carried unanimously.*

- 5.A.2.** Application #'s 109-14SP and 110-14C, RPTC, LLC, dba Reilly Green Mountain Platform Tennis, for Mitchell D. Cohn Trustee, 17 Richards Road, installation of platform tennis court located closer to the street than the principal dwelling, Map 16 Block 25 Lot 17.

Mr. Cherniske recused himself from this discussion.

Mr. Johnson reopened the public hearing at 7:24 p.m.

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*Mr. Manes moved to close the public hearing at 8:00 p.m. Mr. De Paul seconded and the motion carried unanimously.*

*Mr. Manes moved to approve waivers to sections: 4.3.3., 4.3.7., 4.3.8., 4.3.9., 4.3.10., 4.3.11., 4.3.13. and 4.3.14. Mr. Winter seconded and the motion carried unanimously.*

*Mr. Manes moved to approve Application #'s 109-14SP and 110-14C, RPTC, LLC, dba Reilly Green Mountain Platform Tennis, for Mitchell D. Cohn Trustee, 17 Richards Road, installation of platform tennis court located closer to the street than the principal dwelling, Map 16 Block 25 Lot 17 with the conditions that the light usage be restricted to the use of playing tennis only; that the lights will be on an automatic one-hour shut-off timer; that light usage be restricted to sunset to 11:00 p.m.; and that the landscape plan submitted with the original application be approved by Anchor Engineering to ensure that the lighting from the court is blocked or mitigated from view. Mr. De Paul seconded and the motion carried unanimously.*

*Mr. Manes moved to add item 6.B.3. to the agenda. Mr. Winter seconded and the motion carried unanimously.*

*Mr. Winter moved to hear agenda item 6.B.2. at this point in the meeting. Mr. Manes seconded and the motion carried unanimously.*

Mr. Cherniske returned to the meeting.

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

### **5.B.1. Rewrite of Zoning Regulations**

No action taken.

### **5.B.2. Discussion on the possible change to the fee structure effective December 8, 2003.**

No action taken.

### **5.B.3. Election of Officers**

*Mr. Winter moved to keep the current slate of officers. Mr. Manes seconded and the motion carried unanimously.*

## **6. NEW BUSINESS:**

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

#### **6.A.1. Application #'s 04-15SP and 05-15C, Kent Affordable Housing, Construction of Phase II, 15 Maple Street Extension, Map 4 Block 42 Lot 4.**

No action taken.

#### **6.A.2. Application #'s 01-15SP and 02-15C, Elissa Potts, 59 North Main Street, convert 2/3 of Fife N Drum Gift Shop (ground floor) from retail to 2 hotel/motel rooms, Map 19 Block 15 Lot 9.**

Ms. Hicks recused herself from this discussion.

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Mr. Johnson opened the public hearing at 8:21 p.m. and read the legal notice into the record.

*Mr. De Paul moved to close the public hearing at 8:47 p.m. Mr. Winter seconded and the motion carried unanimously.*

*Mr. Winter moved to approve Application #'s 01-15SP and 02-15C, Elissa Potts, 59 North Main Street, convert 2/3 of Fife N Drum Gift Shop (ground floor) from retail to 2 hotel/motel rooms, Map 19 Block 15 Lot 9 conditioned on the receipt of the requested waivers; a letter of agreement from the Sewer Commission with regard to the hookup of 2 additional rooms; and approval from the Architectural Review Board regarding the replacement of one bow window with a standard, flat front window. Ms. Casey seconded and the motion carried unanimously.*

Ms. Hicks returned to the meeting.

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

### **6.B.1. Schedule Public Hearing for Change to Regulations by adding Sections 6.2.20, 6.2.21 and 21.4.4.**

*Mr. Manes moved to continue the scheduling of a public hearing for the change to the regulations to the next meeting. Mr. Cherniske seconded and the motion carried unanimously.*

### **6.B.2. Housatonic River Overlay Zone mapping.**

*Mr. De Paul moved to approve the appropriation of money to have a new Housatonic River Overlay Zone map created by the Northwest Conservation District. Mr. Winter seconded. After discussion, the motion carried unanimously.*

### **6.B.3. Application #07-15Si, Guy Mauri, 52 Kent Cornwall Road, installation of 6 sq. ft. sign for Spirit Horse Farm lodging, Map 9 Block 43 Lot 15.**

Mr. Winter recused himself from this discussion.

*Mr. Manes moved to continue Application #07-15Si, Guy Mauri, 52 Kent Cornwall Road, installation of 6 sq. ft. sign for Spirit Horse Farm lodging, Map 9 Block 43 Lot 15 to the next meeting during which time Ms. Hayes will ask Attorney Zizka if the approval of this permit will influence the current pending lawsuit. Mr. De Paul seconded and the motion carried unanimously.*

## **7. STAFF REPORT:**

### **7.A. Executive Session; Legal Litigation: 52 Kent Cornwall Road**

*Mr. Manes moved to go into Executive Session; Legal Litigation: 52 Kent Cornwall Road. Mr. Cherniske seconded and the motion carried unanimously.*

The Commission came out of executive at 9:30 p.m.

Mr. Winter returned to the meeting at this time.

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**8. REPORT OF OFFICERS AND COMMITTEES:**

No action taken.

**9. OTHER COMMUNICATIONS AND CORRESPONDENCE:**

**9.A.** January 12, 2015, and January 26, 2015, letters from the Connecticut Siting Council regarding Sprint PCS notice of intent to modify an existing telecommunications facility located at 136 Bulls Bridge Road.

No action taken.

**9.B.** Proposed Amendments to the Zoning Regulations, Town of Sherman

No action taken.

**9.C.** FY 14 – '15 Actual vs Budget, July – December, 2014

No action taken.

**9.D.** Murtha Cullina, Statement for Services Rendered through December 31, 2014, Invoice #503243, \$112.50.

*Mr. De Paul moved to pay Murtha Cullina, Statement for Services Rendered through December 31, 2014, Invoice #503243, \$112.50. Mr. Manes seconded and the motion carried unanimously.*

**9.E.** 2015 Land Use Academy

No action taken.

**9.F.** Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter, Winter, 2015.

No action taken.

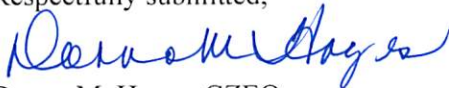
**9.G.** Administrative Permits and Certificates of Compliance

No action taken.

**10. ADJOURNMENT**

*Mr. Chavka moved to adjourn at 9:40 p.m. Ms. Casey seconded and the motion carried unanimously.*

Respectfully submitted,



Donna M. Hayes, CZEO  
Land Use Administrator

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