

**TOWN OF KENT**  
**PLANNING AND ZONING COMMISSION**  
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2016 APR 18 A 9:03

BY *Donna Hayes*  
TOWN CLERK

**APRIL 14, 2016 REGULAR MEETING MOTIONS**

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

**1. CALL TO ORDER**

Mr. Johnson called the meeting to order at 7:03 p.m.

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

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

Staff Present: Donna Hayes, Land Use Administrator

Mr. Johnson elevated Mr. Chavka to voting status.

*Mr. Manes moved to add item 6.B.7. to the agenda. Mr. Cherniske seconded and the motion carried unanimously.*

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

3.A. Regular Meeting Minutes of March 10, 2016

*Mr. Winter moved to approve the Regular Meeting Minutes of March 10, 2016 as corrected. Mr. Cherniske 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):

No action taken.

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

**5.B.1.** Application #97-15C, 3 Maple Street, LLC, change of use from retail to restaurant, Map 19 Block 42 Lot 33.

Messrs. Cherniske and Manes recused themselves from this discussion. Mr. Johnson elevated Ms. McAndrew to voting status.

*Mr. Winter moved to accept the applicant's extension to the next regularly scheduled meeting.*

*Mr. Winter moved to continue Application #97-15C, 3 Maple Street, LLC, change of use from retail to restaurant, Map 19 Block 42 Lot 33 to a special meeting held on April 28, 2016 or the next regularly scheduled meeting. Ms. Casey seconded and the motion carried unanimously.*

Messrs. Cherniske and Manes returned to the meeting. Mr. Johnson elevated Mr. Winter to Chairman status and left the meeting at this point in time.

**5.B.2. Rewrite of Zoning Regulations**

*Mr. Manes moved to hear items 5.B.2. and 6.B.1. after item 6.B.7. Mr. Cherniske seconded and the motion carried unanimously.*

No action taken.

**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**

**6.B.1.** Approval of the Capital Plan Projects, FY 2017 – 2026.

*Ms. Hicks moved to approve the Five Year Capital Plan as submitted to the Commission via a memo dated March 15, 2016. Mr. Cherniske seconded and the motion carried unanimously.*

**6.B.2.** Modification to Permit #119-05C, Christian Kosmos, 23 Davis Road, inground pool located in the Horizon Line Conservation District, Map 10 Block 23 Lot 2, modification to include relocation of inground pool and moving shed into compliance.

*Mr. Manes moved to approve Modification to Permit #119-05C, Christian Kosmos, 23 Davis Road, inground pool located in the Horizon Line Conservation District, Map 10 Block 23 Lot 2, modification to include relocation of inground pool and moving shed into compliance with the understanding that there will be screening around the pool equipment and any lighting in the pool area be downward facing. Mr. Cherniske seconded and the motion carried unanimously.*

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- 6.B.3.** Modification to Permit #11-16C, Kent Coffee for Kevin Hart & Quarter Mile Co, LLC, 45 North Main, change of use from bank to coffee/chocolate shop, Map 19 Block 15 Lot 14, modification to include additional parking for outdoor seating.

*Mr. Manes moved to approve Modification to Permit #11-16C, Kent Coffee for Kevin Hart & Quarter Mile Co, LLC, 45 North Main, change of use from bank to coffee/chocolate shop, Map 19 Block 15 Lot 14, modification to include additional parking for outdoor seating with the requirements that ballards be placed between the east parking and seating areas, the parking lot contain required striping with the exception of the west side parking area as that will be a gravel base. Mr. Cherniske seconded and the motion carried unanimously.*

- 6.B.4.** Application #17-16C, Bill & Johanna Seitz, 39 Kenico Road, installation of 18' x 44' inground pool within Horizonline Conservation District, Map 15 Block 22 Lot 84.

*Mr. Manes moved to accept waivers to the following sections: 4.3.1., 4.3.3., 4.3.6., 4.3.8., 4.3.9., 4.3.10., 4.3.11., 4.3.12., 4.3.13., 4.3.14. and 13A4.2. Mr. Cherniske seconded and the motion carried unanimously.*

*Mr. Manes moved to approve Application #17-16C, Bill & Johanna Seitz, 39 Kenico Road, installation of 18' x 44' inground pool within Horizonline Conservation District, Map 15 Block 22 Lot 84 with the following requirements: that the location of the pool equipment be included on the submitted site plan; that the pool equipment be screened from view; that any and all lighting within the pool area be downward in nature; and, that a revised site plan be submitted to the Torrington Area Health District. Mr. Cherniske seconded and the motion carried unanimously.*

- 6.B.5.** Application #19-16C, Vincent W. Forese for Scott Mackesy, 0 Kent Hollow Road, filling operation, Map 16 Block 25 Lot 46.

*Mr. Manes moved to approve waivers to the following sections: 4.3.3., 4.3.7., 4.3.8., 4.3.11., 4.3.12., 4.3.13. Ms. Hicks seconded and the motion carried unanimously.*

*Mr. Manes moved to approve Application #19-16C, Vincent W. Forese for Scott Mackesy, 0 Kent Hollow Road, filling operation, Map 16 Block 25 Lot 46. Mr. Cherniske seconded and the motion carried unanimously.*

Mr. Chavka left the meeting at 9:15 p.m.

- 6.B.6.** Application #20-16C, Ross Solar Group for DK Geer, LLC, 141 Geer Mountain Road, installation of ground mounted solar array within Horizonline Conservation District, Map 11 Block 40 Lot 47.

*Mr. Manes moved to hear item 6.B.7. at this point in the meeting. Mr. Cherniske seconded and the motion carried unanimously.*

*Mr. Manes moved to approve Application #20-16C, Ross Solar Group for DK Geer, LLC, 141 Geer Mountain Road, installation of ground mounted solar array within Horizonline Conservation District, Map 11 Block 40 Lot 47. Mr. Cherniske seconded and the motion carried unanimously.*

- 6.B.7.** Pre-application discussion, Irvlen Equity, 0 North Main Street, new gallery, Map 19 Block 42 Lot 9.

No action taken.

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Ms. McAndrew left the meeting at this point in time.

**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.**

*Mr. Winter moved to enter into 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 at 10:03 p.m. Mr. Manes seconded and the motion carried unanimously.*

The Commission came out of Executive Session at 10:21 p.m.

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

No action taken.

**9. OTHER COMMUNICATIONS AND CORRESPONDENCE:**

- 9.A. Administrative Permits and Certificates of Compliance**

No action taken.

- 9.B. Monthly Financials: July 2015 – February 2016**

No action taken.

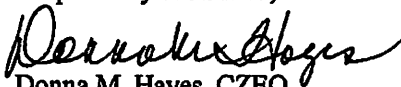
- 9.C. State of Connecticut, Connecticut Siting Council, Ruling on Petition #1216.**

No action taken.

**10. ADJOURNMENT**

*Mr. Manes moved to adjourn at 10:25 p.m. Mr. Cherniske seconded and the motion carried unanimously.*

Respectfully submitted,

  
Donna M. Hayes, CZEO  
Land Use Administrator

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