

TOWN OF KENT
PLANNING AND ZONING COMMISSION

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MAY 14, 2015 REGULAR MEETING MINUTES

The Town of Kent Planning and Zoning Commission held a regular meeting on Thursday, **May 14, 2015 at 7:00 p.m.** in the Kent Town Hall.

1. CALL TO ORDER

Mr. Johnson called the meeting to order at 7:05 p.m.

2. ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED

Commissioners Present: John Johnson, Chairman; Karen Casey, Alice Hicks, Adam Manes, Matt Winter, Wes Wyrick

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

Mr. Johnson elevated Mr. Wyrick to voting status.

Mr. Winter moved to add items 6.B.6., 9.G. and 9.H. to the agenda. Mr. Wyrick seconded and the motion carried unanimously.

3. READING AND APPROVAL OF MINUTES:

3.A. Regular Meeting Minutes of April 9, 2015.

Mr. Winter moved to approve the Regular Meeting Minutes of April 9, 2015, as written. Ms. Hicks seconded and the motion carried unanimously.

3.B. Special Meeting Minutes of April 23, 2015.

Mr. Winter move to approve the Special Meeting Minutes of April 23, 2015, as written. Mr. Manes seconded and the motion carried unanimously.

3.C. Special Meeting Minutes of April 29, 2015.

Ms. Hicks moved to approve the Special Meeting Minutes of April 29, 2015, as written. Mr. Manes seconded and the motion carried unanimously.

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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 14-15SP and 15-15C, High Watch Recovery Center, Inc., 62 Carter Road, demolition of existing dorm and director's house, construction of new 38 bed dormitory, geothermal wells and all related site work, Map 14 Block 22 Lot 7.

The public hearing resumed at 7:08 p.m.

John Mack from Stuart Somers Company and Vinny Roberti, Property Manager, were present for the application. Mr. Mack continued to explain the project. He said it was a 38 bedroom dorm building located at 62 Carter Road. There would be no additional beds proposed with this application. He stated that he had approval from the State DEEP, but Mrs. Hayes added that she spoke with the DEEP representative and the representative said she was in general agreement with the application, but has not approved it at this juncture.

Mr. Mack went on to explain the changes he had made to the plan based on Denise Lord from Anchor Engineering comments. He said he had added some catch basins and yard drains around the building. He noted that he added about 5 catch basins and there should be no standing water. There would be a crawl space on each end of the building and a full basement in center. A new generator pad has been proposed. Geothermal wells are also proposed on the easterly side of the building. Mr. Mack stated that he had received the approval of the Kent Inland Wetlands Commission. Also a handicap parking spot was added on the northern end of the building.

Mr. Winter asked where the new catch basins drain and Mr. Mack stated in the upland areas out of regulated area of wetlands. Mr. Winter wondered if the geothermal wells were moved based on the wetlands Commission's concern. Mr. Mack stated that it was in response to the State DEEP because they had to be outside 200 feet of a potable water source. Mr. Winter wondered if it was a communal water supply and Mr. Mack responded that it was.

Mr. Mack then showed the rendering of the building to the commission.

Mrs. Hayes asked if the dates on the plans had been revised. Mr. Mack stated that he had changed the dates. She wondered if the architect had submitted new plans and Mr. Mack stated that they were in the plan package.

Mr. Johnson asked if Mr. Mack addressed Denise Lord's comments about the grading. He responded that they made the slope flatter at 8%.

Mr. Johnson pondered if Anchor Engineering should review the revised plans. Mrs. Hayes stated that she thought the changes were minor and did not think a review would be necessary.

Mr. Johnson questioned whether the Commission should review construction hours based on possible neighbor concerns. Mr. Winter noted that there were no concerns from the neighbors and Mr. Roberti stated that they had never heard complaint even with the construction of other buildings on site in the past.

There were no more questions at this time.

Mr. Manes moved to close the public hearing at 7:23 p.m. Mr. Winter seconded and the motion carried unanimously.

Mr. Winter noted that the applicants answered all the Commission's concerns and responded to Anchor Engineering's questions. He questioned whether the Commission should wait for the approval from CT DEEP. Mrs. Hayes stated that if they do not receive DEEP approval then they couldn't proceed with the project.

Mr. Manes moved to approve and read the following Resolution of Approval into the record:

RESOLVED: That the Kent Planning and Zoning Commission approve Application #'s 14-15SP and 15-15C, High Watch Recovery Center, Inc., 62 Carter Road, demolition of existing dorm and director's house, construction of new 38 bed dormitory, geothermal wells and all related site work, Map 14 Block 22 Lot 7.

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 in the following documents:*
 - A. Special Permit application #14-15SP dated January 8, 2015.*
 - B. Site Plan application #15-15C dated January 8, 2015.*
 - C. Letter from Stuart Somers Company, LLC, dated March 5, 2015, regarding request for waiver.*
 - D. Letter from High Watch Recovery Center dated January 7, 2015, regarding no change to patient care beds.*
 - E. Letter from High Watch Recovery Center dated January 7, 2015 regarding letter of authorization.*
 - F. List of adjoining property owners dated September 15, 2014.*
 - G. Design of the Enlargement of Subsurface Wastewater Absorption System Number Two for the Proposed Two Story 38 Bed Dorm and the Existing Office Building and a Future Yoga Barn Building, prepared by Stuart Somers Company LLC and dated September 24, 2014.*
 - H. Cover Sheet Proposed Dorm Facility Prepared for High Watch Recovery Center, Inc. by Stuart Somers dated October 21, 2014 and revised to May 11, 2015.*
 - I. Site Plan Depicting Proposed 38 Bed Dorm and Septic Addition for Dorm by Stuart Somers, dated October 6, 2014 and revised to May 11, 2015.*
 - J. Grading and Drainage Plan by Stuart Somers dated October 21, 2014 and revised to March 31, 2015.*
 - K. Subsurface Sewage Disposal System by Stuart Somers dated October 21, 2014 and revised to May 11, 2015.*
 - L. Nitrogen Plan by Stuart Somers dated October 6, 2014 and revised to May 11, 2015.*
 - M. Details by Stuart Somers dated October 6, 2014 and revised to May 11, 2015.*
 - N. Basement Floor Plan by Jacunski Humes Architects, LLC dated May 12, 2015.*
 - O. Main Level Floor Plan by Jacunski Humes Architects, LLC dated May 12, 2015.*
 - P. Upper Level Floor Plan by Jacunski Humes Architects, LLC dated May 12, 2015.*
 - Q. North and East Elevations by Jacunski Humes Architects, LLC dated May 12, 2015*
 - R. South and West Elevations by Jacunski Humes Architects, LLC dated May 12, 2015.*

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- S. *Email to Donna M. Hayes, Land Use Administrator, from Jay Willerup, Jacunski Humes Architects dated March 26, 2015, regarding High Watch Recovery – Dorm with attachments.*
 - T. *Letter of approval from the State of Connecticut Department of Health dated upon receipt.*
 - U. *Letter of approval from the Torrington Area Health District dated upon receipt.*
2. *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.*
 3. *The violation of any of the conditions of this special permit approval may be grounds for revocation of the special permit pursuant to section 4.15.8 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 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 June, 2015.

Mr. Winter wondered if the Commission should add that obtaining DEEP approval be a condition of this approval. No one seemed to think it was necessary.

Mr. Winter seconded and the motion carried unanimously.

5.B. DISCUSSION AND POSSIBLE DECISION

5.B.1. Proposed Town-Wide Economic Development Projects

It was noted that it would be sent on June 2 to David Driver of Goman and York.

5.B.2. Rewrite of Zoning Regulations

Mrs. Hayes stated that a special meeting has been scheduled on June 1 at 7 p.m.

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. Horizonline determination, 18 Highland Road, Map 5 Block 12 Lot 88.

Gary Hock was present to represent this item on the agenda. Mr. Johnson recused himself as an abutting property owner, but later rejoined the Commission because there was no actual application on the property, just asking for determination from the Commission on how Mr. Hock should determine how to plot the horizonline district on his surveys. Mr. Hock continued to show two different plans of 18 Highland Road showing the horizonline

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district in two different places. He stated that one was plotted by using the roads and the other was plotted by using the tax lot lines. He asked the Commission which he should hold when plotting the Horizonline on his surveys.

Mr. Wyrick stated that when the Horizonline District was created, they drove around town and that it was created from the roads.

Mr. Hock said that the Horizonline could slide 100-200 feet based on which he decides to hold as a baseline.

Mr. Johnson agreed with Mr. Wyrick and stated that the roads are more accurate than the lot lines.

Mr. Winter asked Mr. Hock about the process to make the surveys and plot the Horizonline. Mr. Hock explained the process to Mr. Winter. Mr. Winter wondered if there was anyway to correct the Horizonline map and Mr. Hock stated that it would take a lot of GPS work.

6.B.2. Preston Mountain Club, buying, selling and transfer of firearms under the Federal Firearms License, Map 3 Block 3 Lot 1.

Nick Yannick, Head Caretaker for the Preston Mountain Club, was present for this item on the agenda. Mr. Yannick explained that he was filing for a Federal Firearms License for buying ammo. He added that right now he goes to Cabela's and stores like that and buys out all the ammunition for the club. With this permit he would get to buy ammunition at wholesale and buy it in bulk. He added that with this permit they have no plans to sell firearms or have a retail shop. The ammunition would stay with him.

Ms. Hicks asked Mr. Yannick if the permit would be in his name and Mr. Yannick noted that it would be in his name and the Preston Mountain Club at 14 Preston Mountain Road.

Mr. Wyrick asked why he was seeking zoning approval. Mr. Yannick stated that the ATF's license could include a retail store. Mrs. Hayes stated that she was not sure if this was a permitted use under the pre-existing use of the club. Mr. Yannick stated that the club has been in existence since 1922. Mrs. Hayes continued to explain that she did not feel comfortable signing off on this use being a permitted use because the Commission might want to require a special permit.

Mr. Manes stated that people in town have these licenses.

Mrs. Hayes gave an example to the Commission. She stated that selling golf clubs and items like that at the pro shop at the golf course was considered a permitted use. Would this be the same?

Mr. Johnson seemed to think that providing ammunition was an accessory use for the club. But, he wanted to be careful as not to allow the selling and transfer of firearms in a retail setting. The Commission should let it be known that they are not allowing a retail shop on the premises for the sale of firearms.

Mr. Winter questioned whether this use should require a special permit because he was worried about the retail portion of the license.

After some discussion it was noted that Mrs. Hayes would call the ATF person in charge of the this license and speak on behalf of the Commission letter her know that they are approving the license as a permitted use, but does not allow the establishment of a retail shop on the property. Mrs. Hayes would also draft a letter, stating the same, to the correct persons.

Mr. Winter moved to draft a letter of approval to the Department of Alcohol, Tobacco and Firearms indicating the Commission's discussion and decision that this is considered an accessory use to the principle use of the Preston Mountain Club and that this approval does not allow the establishment of a retail shop on the Club's property. Mr. Manes seconded and the motion carried unanimously.

6.B.3. Farmers Market, Irvlen Equity, LLC, 0 North Main Street, Map 19 Block 42 Lot 9.

Jane Ridgeway and Dave Fairty were present for the agenda item. Ms. Ridgeway stated that the farmer's market had been established 20 years ago. The proposal now is to move it to the "Old Chevy Garage" lot now owned by Billy Morrison.

Mr. Johnson stated that he would consider a farmer's market, under the current regulations, a retail establishment. He added that with that determination, it would require a site plan with information such as traffic flow.

Mr. Fairty stated that the Farmer's Market would like to move from it's current location in the Casey owned plaza because it is a bad location. He added that nobody knows the market is there. He noted that they have 6-10 farmers usually. He would like the farmers to be lined up along the trees and for the parking to be on the paved area of the lot.

Mr. Wyrick stated that they could create a sketch plan.

Mrs. Hayes stated that there is no application at this time and they do not have written approval from the property owner.

Mr. Manes stated that the Farmer's Market would need to file an application and that the Commission could not approve this application tonight because no information has been submitted prior to the meeting.

Ms. Hicks added that they Commission would need an application, would need to see a parking proposal and where the farmers would be located.

Mr. Johnson suggested that a special meeting be set up for the application because the Farmer's Market is an important event for the town.

Mr. Winter stated that he would consider it a retail store.

The Commission agreed to have a special meeting on June 1, 2015 at 6:30 p.m. if an application and other pertinent information is submitted in time.

Mrs. Hayes noted that they would need to see parking, entrance, exit and where the farmer's would be located. Also an agent approval letter from Billy Morrison.

Mr. Winter stated that section 6.2 of the zoning regulations show the details for sketch plans. He added that anything they do not provide they should request in a waiver letter.

Ms. Hicks was concerned about the parking of the farmers and possible big trucks. Mr. Fairty stated that they always fit into a parking space sized area.

Mr. Winter stated that they may have to install entrance and exit signs on site.

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Mr. Manes questioned the timing of the event. Mr. Fairty noted that it would run 3:00 p.m. to 7:00 p.m until September or October.

There were no more questions at this time.

Mr. Manes moved to schedule a special meeting on this topic for June 1, 2015 at 6:30 p.m. Mr. Wyrick seconded and the motion carried unanimously.

6.B.4. Discharge of the Land Use Clerk Interview Subcommittee

Mr. Winter moved to hear agenda item 8.A. at this point in the meeting. Mr. Manes seconded and the motion carried unanimously.

Ms. Hicks moved to discharge the Land Use Clerk Interview Subcommittee. Mr. Winter seconded and the motion carried unanimously.

6.B.5. Update from the Incentive Housing Zone Study Subcommittee

Mr. Winter stated that there were four members of this subcommittee. They were John Johnson, Adam Manes, Richard Chavka and himself. They had elected officers and at another meeting they invited Jocelyn Ayers and Glen Chalder. He added that Anchor Engineering would do the balance of work described by the grant. They had discussed goals and added Mike Everett as an alternate. Mr. Winter noted that they were debating using Donna Hayes time for this subcommittee because she is already stretched thin.

Ms. Casey stated that it was important to have her a part of the subcommittee.

Mr. Wyrick wondered if Mrs. Hayes was already stretched too thin.

Mr. Manes added that it would take some office time for Mrs. Hayes. Ms. Casey wondered why and Mr. Manes stated that she would be fielding phone calls with Planametrics and Anchor Engineering. He added that there would be no more that two meetings a month and that the process could be completed in 6 months. He added that she should be able to get comp time for the meetings. Mrs. Hayes agreed to be a part of the subcommittee and to take minutes for them also.

6.B.6. Elevation of alternate to member status.

Mr. Manes moved to discuss agenda item 6.B.6. and 9.G. at the same time. Ms. Hicks seconded and the motion carried unanimously.

Mr. Johnson read the letter from Dennis DePaul into the record. Mr. DePaul resigned for personal reasons. Mr. Johnson noted that the Commission will send a letter commending Mr. DePaul on his time spent on the Commission. He added that Mr. DePaul seat was until 2019 and that they would need someone to fill that seat. Mr. Johnson asked Mr. Wyrick if he would be willing to fill that seat and Mr. Wyrick stated that he could do so. The Commission discussed Mr. Chavka's ability to fill the seat because of his seniority on the Commission right now, but decided that Mr. Wyrick was best suited because of his vast knowledge from time spent on the Commission in the past.

The Commission then discussed appointed a Vice Chairman because Mr. DePaul had been the Vice Chairman. After some discussion, it was decided that Mr. Winter would take that responsibility.

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Ms. Casey moved to appoint Mr. Matt Winter as Vice Chair/Secretary of the Planning & Zoning Commission. Mr. Manes seconded and the motion carried unanimously.

Mr. Manes moved to appoint Mr. Wes Wyrick as a member of the Planning & Zoning Commission to a term ending November 19, 2019. Mr. Winter seconded and the motion carried unanimously.

7. STAFF REPORT:

Mr. Winter moved to discuss agenda item 7.A. at the end of the meeting. Mr. Manes seconded and the motion carried unanimously.

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

Mr. Winter left the meeting at this time.

Mr. Manes moved to go into Executive Session; Legal Litigation: 52 Kent Cornwall Road at 9:12 p.m. Mr. Wyrick seconded and the motion carried unanimously.

Mr. Manes moved to come out of Executive Session at 9:20 p.m. Mr. Wyrick seconded and the motion carried unanimously.

7.B. Freedom of Information Act/Notice of Meetings

Mrs. Hayes noted that this hand out was for FYI purposes.

8. REPORT OF OFFICERS AND COMMITTEES:

8.A. Report of Land Use Clerk Interview Subcommittee

This agenda item was discussed with agenda item 6.B.4.

9. OTHER COMMUNICATIONS AND CORRESPONDENCE:

9.A. NHCOG Referral Response: Sherman Regulation Changes

This was given to the Commission to notify the abutting town of Kent about regulation changes in Sherman.

9.B. Town of Sherman, Notice of Public Hearing for Proposed Amendments to the Regulations

This was given to the Commission to notify the abutting town of Kent about proposed amendments to Sherman's regulations.

9.C. Town of Washington, Notice of Public Hearing on Special Permit for additions to and renovations of accessory structures used to operate or maintain a pre-existing golf course.

Mrs. Hayes noted that the plan for the above application was in her office if any Commission members were interested.

9.D. Letter from Jennifer Dubray dated April 20, 2015

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Mrs. Hayes stated that this letter was for FYI purposes. Mr. Johnson wanted to state on the record that the land use office does need a clerk and a land use administrator in order for planning to get done.

9.E. Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter, Spring 2015

This newsletter was given to the commission for FYI purposes.

9.F. Administrative Permits and Certificates of Compliance

The Commission discussed the permits and certificates of compliances given by the Land Use Administrator.

9.G. Letter of Resignation from Dennis De Paul.

See agenda item 6.B.6. for discussion and action.

9.H. State of Connecticut, Connecticut Siting Council, May 1, 2015, letter regarding modification to existing cell tower located at 38 Maple Street, Map 4 Block 12 Lot 4.

Mrs. Hayes noted that the copper grounding was stolen from both cell towers in town.

10. ADJOURNMENT

Mr. Manes moved to adjourn at 9:21 p.m. Mr. Wyrick seconded and the motion carried unanimously.

Respectfully submitted,

Jennifer Calhoun
Land Use Clerk

RECEIVED FOR RECORD
KENT TOWN CLERK
2015 MAY 18 P 1:34
BY *Jennifer Calhoun*
TOWN CLERK

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