

**TOWN OF KENT
PLANNING AND ZONING COMMISSION**

41 Kent Green Boulevard
P.O. Box 678
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Phone (860) 927-4625 Fax (860) 927-4541

JUNE 9, 2016 REGULAR MEETING MINUTES

The Town of Kent Planning and Zoning Commission held a regular meeting on Thursday, June 9, 2016 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; Richard Chavka, Darrell Cherniske, Alice Hicks, Adam Manes, Anne McAndrew, Matt Winter, Wes Wyrick

Staff Present: Donna Hayes, Land Use Administrator

Mr. Manes moved to add Modification to Permit #62-15C, Kent Center LLC, 9 Maple Street, modification to include new sign at 8 Old Barn Road for R.T. Facts, Map 19 Block 42 Lot 35. Mr. Cherniske seconded and the motion carried unanimously.

Mr. Johnson elevated Ms. McAndrew to voting status.

3. READING AND APPROVAL OF MINUTES:

3.A. Regular Meeting Minutes of May 12, 2016

Mr. Winter moved to accept the Regular Meeting Minutes of May 12, 2016, as written. Mr. Wyrick 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 #23-16SP and #24-16C, South Kent School Corporation, 0 Bulls Bridge Road, artificial turf, drainage and associated grading, Map 6 Block 38 Lot 2.

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KENT TOWN CLERK
2016 JUN 15 P 12:06
BY
TOWN CLERK

Mr. Chavka, Mr. Cherniske and Mr. Manes recused themselves from this discussion.

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

Mr. Champlain, with Clark Companies, presented the Commission with updated drawings and their response to Anchor Engineering's concerns on the application. The response to Anchor Engineering is attached to these minutes.

Mr. Johnson read the following letters into the record (copies attached): a letter from Charles and Ellen Cogut dated May 15, 2016; a letter from Andrew J. Vanais, Head of School South Kent School dated May 19, 2016; a letter from Charles and Ellen Cogut dated May 22, 2016.

Ms. Hayes advised the Commission that Ms. Lord, of Anchor Engineering, had prepared a report of concerns which had been addressed by the applicant. Mr. Champlain said that they were basically asked to address their stormwater management plan which has been done.

With regard to the May 22, 2016 letter, Ms. Hayes explained that the April 27, 2016 referenced meeting was an Inland Wetlands meeting. She went on to state that according to State Statutes, notification of adjoining land owners is only required when a public hearing is held; the application before the Inland Wetlands Commission was not a public hearing. The Town of New Milford was notified which is a requirement. Mr. Winter said that there was a letter in the packet which seemed to indicate that the neighbors were notified and as a result of that letter he was the Commissioner who asked Mr. Vadnais if he had heard anything from the adjoining property owners.

Mr. Champlain said that the lighting was still included in the packet of information but no changes were made. Ms. Hayes explained that when the original application was received, it did not include anything regarding the lighting. As a result, when the legal notice was published, lighting was not included. At the last meeting, the Commissioners discussed how the lighting was approved at the Kent School. During Ms. Hayes' research, she found that it was permitted via a special exception permit; therefore, her recommendation is that the Commission have a public hearing just on the lighting especially with the concerns that were expressed earlier in the meeting but that would be up to the Commission to decide. Mr. Winter said that the Commission talked about the lighting in depth at the last meeting. Mr. Johnson said that he remembers that the discussion regarding the Kent School application for lighting was quite lengthy with fair amount of comments from the neighbors and he feels that the same process should be followed with this application. Mr. Winter asked if the question before them was to consider the application just for the turf and ask the applicant to submit another application for the just the lighting. Ms. Hayes asked the applicant what that would do to their timing since they could start the process without the lighting. Mr. Champlain said that they could start but asked if they could include the infrastructure for the lighting. Ms. Hayes said that she has no problem with them putting in the infrastructure. Mr. Wyrick said that the application can be approved with the condition that the applicant return with another application. Mr. Bruce Carlson, Facilities Director, asked if that would require two more meetings. Ms. Hayes said that it would not and that she had enough time to warn the public hearing for the next regular meeting on July 14, 2016, and possibly modify the Inland Wetlands permit at their next meeting on June 27th. Mr. Wyrick commented that the lights were on the site plan.

Mr. Champlain said that they did prepare a revised lighting schedule. Mr. Winter said that he would like to review that now so that the Commission can make the decision as to whether they needed to have another meeting or whether they could approve the lighting at this meeting. The new lighting schedule was presented to the

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Commission and is attached to the minutes. The Commission then reviewed the differences between the original lighting submission and the current submission.

Ms. Hicks asked if any of the dates were weekends and Mr. Johnson said that they were all weekdays. Ms. McAndrew asked if the use was by the school or an organization other than the school. Mr. Johnson asked why the time changes to 9:00 p.m. in the spring. Mr. Carlson said that he did not know but it could be because the season is winding down and they are trying to get in as many games as possible. Mr. Johnson asked Mr. Carlson to get that information. Mr. Johnson asked what the definition of “dusk” was. Ms. Hayes thought that it was “not quite sunset”. It was stated that the lights would need some time to warm up, so they were turning them on at dusk to be ready. Ms. Hayes confirmed that the shut off would be instantaneous. Mr. Carlson said that the proposed lights are different than the lights being used at the Kent School. He continued that lights would be needed to enable guests to return to their cars. Mr. Johnson asked if there was a video on line that could be looked at. Mr. Michael Mahoney referred the Commission to musco.com and a youtube channel. Ms. McAndrew asked if the lights would make any noise and Mr. Mahoney said that there is a very slight noise that is generated.

Ms. Hicks asked the Commission if they should be addressing parking. Mr. Winter said that it was discussed at the last meeting. Mr. Carlson said that visitors can pull off the road onto the grass area. He said that they did place fences close to the road to prevent people from parking on the road, but it does not seem to help, especially parking for activities on the north field. Mr. Winter asked if a simple sign indicating field parking would help and/or consider. Mr. Carlson said that they would. Mr. Johnson suggested a sandwich sign which states “no parking during events” might work better as he would not like to see something permanent. Mr. Winter agreed and suggested that they be “event parking” temporary signs.

Mr. Carlson advised the Commission that the total number of hours that the lights would be on was 107 hours per year.

Mr. Wyrick asked if the light would be on during mostly practice or night games. Mr. Carlson said that it would be mostly practice and some games. He continued that the games are mostly scheduled on Wednesday afternoon when there is no school or Saturday afternoons.

Mr. Winter said that the regulations talk about outdoor lighting but they do not address field lighting. They do address the height being restricted to 20'. He remembered that the Kent School lighting was approved at 50' and that these lights are proposed at 80'. Mr. Winter asked if Mr. Michael Mahoney of Muscoe Lighting if he could explain again how they came to that determination. He pointed out that in order for each pole to light a quadrant of the field and not shine light into the area outside of the field, an angle had to be determined. The shorter the pole, the more angle and the more light spillage. Mr. Johnson asked if they could install more poles. Mr. Mahoney said that 6 poles would still have to 70' high.

Mr. Charles Cogut, a member of the audience, neighbor of the school and author of the letters read into the record, asked to speak. He began by thanking the school for responding so quickly to his letters but also said that it would have been better if they had called the neighbors directly. He urged the Commission to have a separate hearing because it would not disadvantage the school. Mr. Cogut has no objections to the astro turf. He assumes that the Commission will notify all those who will have a view of the lighting. Ms. Hayes explained that according to State Statute she is not required to do so. Mr. Cogut said that it is an issue and that he would notify them if he had the information. He stated that he had received information about the special Town Meeting and assumes the same could happen with this application. Mr. Cogut said that those people who look down into the valley might be concerned about seeing the poles and wondered whether or not the poles could be 40' instead of

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80'. He did not think that he would be able to see them from his residence, but was concerned with the neighbors who look down into the valley.

Mr. Cogut asked for clarification of the layout of the poles. He also asked about usage by third parties in terms of how often and who could use it. Mr. Cogut asked if a special permit would be required if there would be a concert on the field which would excite him as a neighbor.

Mr. Johnson said that the hearing on the lighting would be July 14th.

Mr. Johnson said that he feels that the lighting needs to be separated from the application before them and asked Ms. Hayes if she had any other issues. She replied that she felt they had responded to all the concerns/issues that were brought up by Ms. Lord but asked that they explain again where the dirt from the excavation would be placed. Mr. Carlson explained that it would be placed behind his shop/office on the main campus. Mr. Champlin referred the Commission to the last page of their recent submission.

Ms. Hayes asked if the school would be in session when the construction begins. Mr. Cogut asked how long it will take to complete the project. Mr. Champlin responded that it will take about 8 weeks. Mr. Johnson asked about the work schedule. Mr. Champlin said usually 7 a.m. to 6 p.m. but would adhere to whatever regulations are in place. The only loud machinery noise would be the back-up beepers on the trucks. Mr. Johnson said that it could be worked out to have more shorter days or less longer days. Mr. Cogut asked if the work schedule would be 5 days/week. Mr. Champlin that it would be, but once the installation begins, they will work through until the job is done. Mr. Cogut expressed concern about the condition of Bulls Bridge. Mr. Champlin said that a tracking pad will be installed per the State requirement and that the hauling of the dirt would only take a few days. Mr. Cogut asked if the field will be used for just soccer. Mr. Carlson replied that it would be used for lacrosse as well.

Mr. Winter said that they addressed all the questions he had from the last meeting.

Ms. Hicks clarified that the trucks will just be crossing Bulls Bridge into the main campus. Mr. Cogut asked about the summer camps. Mr. Carlson said that there would be some summer camps and they will be kept on the school side of the road. When the hauling begins, it could be set up so that there are no camps in session.

Mr. Winter said there was the question of use of the field by 3rd parties which could be discussed under the application for the lighting. He does not feel that the Commission has the right to tell the school how to use the lighted field as long as they adhere to the schedule that is presented. Ms. Hayes said that the use schedule should also be required on a yearly basis, just like it is required by the Kent School. Ms. McAndrew asked how many times the Kent School uses their lights. Ms. Hayes said that it changes from year to year because of the other school's schedules.

Mr. Johnson said that 3rd party use is not something that the Commission wants to review every time and that the schools are an educational use. Using the field with or without lights for a rock concert would not be appropriate. Mr. Winter agreed and said that he was just referring to New Milford football club using the field. Mr. Johnson said that for the lights, the schedule is the most important thing.

Mr. Wyrick moved to close the public hearing at 7:54 p.m. Ms. Hicks seconded and the motion carried unanimously.

Mr. Winter moved to approve Application #23-16SP and #24-16C, South Kent School Corporation, 0 Bulls Bridge Road, artificial turf, drainage and associated grading, Map 6 Block 38 Lot 2 with the condition that the

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school use event parking signs to limit on street parking and that the school submit for approval a turf field lighting schedule on a yearly basis. Ms. Hicks seconded.

During discussion Mr. Winter said that he did not see the necessity to break the application apart. Mr. Johnson said that he thought the Commission should have a separate public hearing about the lighting. Ms. Hicks agreed as did Mr. Wyrick. Mr. Wyrick asked if the Commission could move to approve the application without the lighting poles and lights. Mr. Johnson said that they could have.

Ms. Hicks moved to amend Mr. Winter's motion removing the approval of the lights from Mr. Winter's motion thereby requiring a separate application for the lighting poles and lights. Mr. Wyrick seconded.

During the discussion on the amendment, Mr. Winter said that he did not think it would need to be done procedurally. Ms. Hicks said that the question is if the Commission was to have a hearing for the lights, then the hearing would be held after they had been approved. Mr. Winter said that he was suggesting that the Commission has all that they need to approve the application for the lights. Mr. Wyrick asked Ms. Hayes if separate applications needed to be submitted and she replied that they would. Mr. Winter said that he felt that was a burden on the applicant with regard to timing. He continued that it might have been incumbent on the Commission to tell the applicant at the first meeting that they should have presented a separate application. Mr. Johnson said that it sounds to him that the applicant amended their proposed schedule because it was not thoroughly discussed before. Mr. Winter said that it was discussed and the Commission requested that they come back with a more detailed schedule. He said that since he was not making any headway in convincing the Commission otherwise, they should just move on.

With no further discussion on the amended motion, the motion carried unanimously.

Mr. Johnson asked if the Commission wanted the original amended motion repeated.

With no further discussion on Mr. Winter's original motion, the motion carried unanimously.

5.B. DISCUSSION AND POSSIBLE DECISION

Mr. Chavka, Mr. Cherniske and Mr. Manes returned to the meeting.

5.B.1. Application #31-16C, William Morrison for Irvlen Equity, LLC, 0 North Main Street, construction of new retail gallery, Map 19 Block 42 Lot 9.

Mr. William Morrison, Mr. John Allee and Mr. Patrick Hackett were present to address the Commission. New plans were submitted reflecting changes that were made in response to Anchor Engineering review.

Mr. Hackett reviewed their answers to Anchor Engineering concerns in a letter dated June 9, 2016. A copy is attached to these minutes. Mr. Allee said that a fence was included in response to concerns regarding the parking. Ms. Hayes reminded the applicant that they would have to appear before the ARB with regard to the fencing. Mr. Hackett said that the parking along the north corner had been moved in order to meet the 10' requirement. Parking spaces were moved back 3' and one spot was removed in the front; paving is being installed for the first few spots with the rest of the parking lot being gravel. Due to the limited grades, Mr. Hackett does not see any issue with erosion. Landscaping has been added and lighting details have been added. With regard to ponding of stormwater on neighboring properties, Mr. Hackett said that it is a concern but they put on the plan the additional spot elevations which shows that there will not be any ponding. There is a significant number of spot elevations added to the plan. Detectable warning strips have been added. The old foundation is going to be removed and

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has been noted on the plan. The old slab in front has also been noted to be removed. All the radi and dimensions of the parking area have been noted. A detail for the bituminous and gravel has been added. There will be no more wall since the parking has been moved out there is no need for it. They have shown both water and sewer lines from the main building to the storage building. The main building water and sewer hookup is quite visible on the site and Mr. Morrison was shown where the sewer hookup is located. That information was added to the plan.

With regard to storm drainage, Mr. Hackett said that three test holes were dug 15' deep and they showed no indication of ledge or seasonal high groundwater. Based on the results of the test holes, Mr. Hackett anticipates that they will drain in 2 days with no rain. The drywells do not have solid covers because the design requires the structures to be maintained every few years. Mr. Johnson asked if there would be any issues with freezing. Mr. Hackett replied that there are only two catch basins that lead into the drywells. Mr. Wyrick asked about the pitch. Mr. Hackett said that all the inverts are listed on the plans. The lowest elevation is located in the back. All the water is leaving the property at the same location. He said that the hydrology was changed to reflect the soils found on the site. The NRCS had the soils listed as urban, but all around the area the soils are Merrimack consisting of coarse sand, gravel and cobble. The pipes are based on a 100-year storm. The two basins that are provided in the parking area have 4' subs. Mr. Hackett said that he created a new drainage plan sheet.

Mr. Hackett said that the depression in the back will store some water which will infiltrate into the ground. Some will leave and the calculations show that discharging in the same location. He continued that Anchor Engineering suggested that the applicant obtain a right to drain, but Mr. Hackett said that he does not feel it is necessary based on all the drainage that has been added to the site. He said there is less runoff from when it was the Chevy dealer and the current conditions. The storage has been revised based on the increase in the size of the dry well. He only anticipates getting some runoff during snow melt. Mr. Hackett said that the runoff is more conservative than presented based on Ms. Lord's recommendation. Mr. Winter asked if the post development discharge is less with the proposed storage on site. Mr. Hackett said yes.

Mr. Hackett said that he spoke with the DOT regarding an encroachment permit. He does not anticipate any issue since they are reducing one opening and eliminating the other and the entrance/exit to the new facility is farther away from Greenward Way. Mr. Winter asked what work will be done on North Main Street. Mr. Hackett said that it will be the sewer and water hookups and additional curbing near the new sidewalk that was installed during the water line repair work.

Mr. Wyrick asked what the sidewalk would be composed of and Mr. Hackett said that it would be bituminous and would match what is there.

Mr. Winter said that he was looking at the regulations with regard to fencing and which side should be facing out. Ms. Hayes said that there is no regulation regarding that, but she tries to advise homeowners that the good side should be facing out. Mr. Allee said that won't be an issue because the fence will not have a good or bad side and explained that the post will be in the center with the slats meeting on the sides of each center post.

Mr. Wyrick asked if there are any windows on the back side of Kent Kitchens. Ms. Hayes said that she did not think so. Mr. Allee said that both buildings have solid backs.

Mr. Manes asked what the distance was between the fence and the back of the north side buildings. Mr. Allee said that it was at least 8' so that it can be serviced.

Mr. Winter asked Mr. Hackett if he had addressed the fencing and drainage from the adjacent building. Mr. Hackett replied that they had and put all the information with regard to the gradient on the plan.

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Mr. Johnson asked if Ms. Lord would need to see this again. Ms. Hayes said that she would like to send it along and felt that any response would be minor.

Mr. Wyrick asked if the Commission should be concerned about parking in the front. Ms. Hayes said the regulation says "whenever possible". Mr. Wyrick said that they did move the building back.

Mr. Johnson asked if the ARB has approved this. Ms. Hayes said they had but had not approved the fencing.

Mr. Winter asked if they can approve this application tonight. Ms. Hayes suggested that the application be approved contingent upon any additional comments made by Anchor Engineering being addressed before construction can begin. Mr. Manes said he was uncomfortable doing that because the Commission has no idea what those comments could be. Ms. Hayes explained that was how the Inland Wetlands Commission handled the approval of the turf installation for the South Kent School. Mr. Winter said that there could be more entailed issues and agreed with Mr. Manes. Mr. Manes said that he felt that the applicant has been as thorough as possible but there is always the possibility that something else could come up. Ms. Hayes said that if the Commission did not want to approve the application tonight, then they would have to give the Commission an extension. Mr. Cherniske said that he was okay with approving it tonight and said that he would hate to get caught in the cycle of returning all the changes to the engineer and postponing approvals. He said that it was a big review, points were addressed and all concerns were met. With regard to the right to drain, Mr. Cherniske said that there are other properties that are draining on to this property. Mr. Wyrick said that he felt it was covered. Mr. Manes said that they have calculated the water that is coming onto the property. Mr. Cherniske said that he does not mind sending it back as long as it does not hold the applicant up. Mr. Wyrick asked the applicant if they had an issue with the contingency and they said that they did not.

Mr. Winter moved to approve Application #31-16C, William Morrison for Irvlen Equity, LLC, 0 North Main Street, construction of new retail gallery, Map 19 Block 42 Lot 9 contingent upon the applicant addressing any concerns that might be noted after an engineering review of the documentation that was presented at this meeting and that they appear in front of the Architectural Review Board for final review of the additional fencing. Mr. Cherniske seconded and the motion carried unanimously.

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

5.B.2. Rewrite of Zoning Regulations

Ms. Hayes explained that there will be a special meeting on June 30, 2016 at 7:00 with Attorney Zizka and Glenn Chalder from Planimetrics. The purpose of the meeting is to go over the changes that were made from the legal aspect.

6. NEW BUSINESS:

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

- 6.A.1. Application #'s 32-16C and 33-16SP, Alicia Winter for Marvelwood School, 473 Skiff Mountain Road, installation of geodesic greenhouse, Map 7 Block 17 Lot 1.**

Mr. Winter recused himself from this discussion.

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Mr. Johnson opened the public hearing at 8:43 p.m. and read the legal public notice into the record.

Ms. Alicia Winter, representing the Marvelwood School, appeared before the Commission. She explained the project with regard to the structure and installation. When asked what the produce would be used for, Ms. Winter replied that they will be used by the school when it is in session and by those remaining on campus when the school was not in session. Ms. Hayes asked how the structure will be built. Ms. Winter said that it would be a gravel based pier footing. The kit will be anchored to the piers. Ms. Winter referred the Commission to the packet of information that was supplied with the application. Mr. Manes commented that the size would be 26'. Ms. Hayes asked if there would be electricity and Ms. Winter said that there will be an interior light. The electricity will be run underground in a conduit from the nearest structure. Mr. Manes asked if there will be water. Ms. Winter said that there would be a small pond within the structure as well as a yard spigot. Mr. Johnson asked why it was necessary to have lighting. Ms. Winter said that it would be used during the winter when it gets dark early. Mr. Johnson asked for further information on the timer. Ms. Winter explained that the dome could be used between 7 a.m. and 7 p.m. but would mostly be used between 3 and 5 p.m. Mr. Manes asked if the light would be programmed to be on every night. Ms. Winter said no and explained that the timer is actually a timer switch where the time the light is on is set when the light is turned on. Ms. Winter said that she would imagine an overhead light would be placed over the door and light the main area. That would be determined when she sees the actual building plans.

Mr. Wyrick asked if every panel is operable and Ms. Winter said no and said that they operate based on the interior temperature. Mr. Manes asked if the interior pond will contain water 12 months a year and Ms. Winter said that it would and that there would be a heater. Ms. Hayes asked if it would hydroponic and Ms. Winter said that she did not think so. Mr. Cherniske said that he likes the fact that the dome is sited near other farm structures and that the only neighbor has no problem with the structure.

Mr. Johnson said that he would like to review the interior lighting once it is installed. Ms. Winter said that she will purchase the kit and will provide the plan to the electrician who will come before the Commission to explain how and what will be installed.

Mr. Manes moved to close the public hearing at 8:52 p.m. Mr. Cherniske seconded and the motion carried unanimously.

Mr. Wyrick moved to approve waivers to sections 4.3.5., 4.3.6., 4.3.8., 4.3.9., 4.3.10., 4.3.12, 4.3.13. and 4.3.14. Mr. Cherniske seconded and the motion carried unanimously.

Mr. Manes moved to approve Application #'s 32-16C and 33-16SP, Alicia Winter for Marvelwood School, 473 Skiff Mountain Road, installation of geodesic greenhouse, Map 7 Block 17 Lot 1 with the condition that the applicant or their electrician provide the information about the interior lighting. Mr. Cherniske seconded and the motion carried unanimously.

6.B. DISCUSSION AND POSSIBLE DECISION

Mr. Winter returned to the meeting.

6.B.1. Bond Releases: South Kent School; MCCA.

Ms. Hayes explained that the Treasurer had sent her a request to release bonds that had been provided for applications submitted by the South Kent School for the construction of the Center for Innovation and the school's campus housing. There was also one for a planting bond in relation to the MCCA application. She said

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that there has been no more activity at the Center for Innovation location or the campus housing and felt that the bonds could be released with the understanding that if activity should pick up new bonds could be requested. With regard to the MCCA planting bond, it was only required for 2 planting seasons and that requirement has been met.

Mr. Manes moved to have the Treasurer release the bonds that were submitted by the South Kent School and MCCA. Mr. Winter seconded and the motion carried unanimously.

- 6.B.2.** Modification to Application #34-15C, Irvlen Equity, LLC, operation of seasonal farmer's market, 0 North Main Street, Map 19 Block 42 Lot 9 modification to include updated dates of operation.

Ms. Hayes explained that the Farmer's Market had begun its operation on North Main Street without permission. She reminded the Commission that last year's approval required them to return before the Commission on a yearly basis.

Mr. Morrison provided the Commission with a new letter approving the Chamber's use of the lot beginning May 26th and running only until the beginning of the construction for his new gallery. After that, a new site plan will have to be submitted for the new location. Based on Mr. Morrison's proposed building schedule, Ms. Hayes anticipates that the new site plan application will be before the Commission at the July 14th meeting.

Ms. Hayes also asked Mr. Morrison to advise those responsible that any Farmer's Market signage must be taken down when the market is not open. Mr. Morrison said that he would advise them of that and will also advise them that they must submit a new site plan application for the new location.

Mr. Manes moved to approve Modification to Application #34-15C, Irvlen Equity, LLC, operation of seasonal farmer's market, 0 North Main Street, Map 19 Block 42 Lot 9 modification to include updated dates of operation. Mr. Winter seconded and the motion carried unanimously.

- 6.B.3.** Modification to Permit #62-15C, Kent Center, LLC, 9 Maple Street, modification to include new sign at 8 Old Barn Road for R. T. Facts, Map 19 Block 42 Lot 35.

Ms. Hayes explained that this was a modification to the newest site plan approval and had to do with the alternative signage program. She continued that R. T. Facts will be moving into the old Morrison Gallery on a temporary basis with the possibility of making it a permanent move. Ms. Hayes also told the Commission that the ARB had approved the sign permit.

Mr. Manes moved to approve Modification to Permit #62-15C, Kent Center, LLC, 9 Maple Street, modification to include new sign at 8 Old Barn Road for R. T. Facts, Map 19 Block 42 Lot 35. Ms. McAndrew 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.**

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At 9:00 p.m., Mr. Winter moved to go 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. Mr. Manes seconded and the motion carried unanimously.

The Commission came out of Executive Session at 9:02 p.m.

8. REPORT OF OFFICERS AND COMMITTEES:

No action taken.

9. OTHER COMMUNICATIONS AND CORRESPONDENCE:

9.A. Administrative Permits and Certificates of Compliance

The Administrative Permits and Certificates of Compliance were accepted by the Commission and no action was taken.

9.B. Monthly Financials – July 2015 through April 2016

The monthly financials were accepted by the Commission and no action was taken.

9.C. Resignation of Land Use Clerk

Ms. Hayes explained that Ms. Jennifer Calhoun had tendered her resignation citing family responsibilities as her reason. A new part time land use clerk will be looked for at the end of the summer/beginning of the fall.

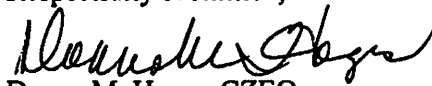
9.D. Bull's Bridge Golf Club membership information.

The letter from the Bull's Bridge Golf Club was accepted and no action was taken.

10. ADJOURNMENT

Mr. Winter moved to adjourn at 9:10 p.m. Mr. Manes seconded and the motion carried unanimously.

Respectfully submitted,


Donna M. Hayes, CZEO
Land Use Administrator

**TOWN OF KENT PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES FOR JUNE 9, 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.



ORIGINAL

Received
6/9/16
DMH

CATELLA ENGINEERING LLC
P.O. Box 464
Delhi, New York 13753-0464

May 20, 2016

Ms. Donna M. Hayes, Land Use Administrator
Town of Kent
41 Kent Green Boulevard
Kent, CT 96757

RE: Site Plan Review – Response to Anchor Engineering Review of May 18, 2016
South Kent School Multi Use Athletic Field
Bulls Bridge Road, Kent, CT

Dear Ms. Hayes,

Please find the following comments and responses to the engineering review from Anchor Engineering dated May 18, 2016. Plan views and sections are being revised to accommodate the changes as listed below which will follow.

1. Information regarding the source of the wetland line and flags shown on the mapping should be added.

Wetland delineation was performed by Milone and MacBroom, source information will be noted on the plan set.

2. The report lists the slope from corner to corner of the field incorrectly (Section 3).

The report has been corrected to match the plan set.

3. Since there are proposed disturbances so close to the wetlands, it is recommended that the proposed silt fence be backed with staked hay bales for additional protection. A detail for this should be added to the plans.

Details of the staked hay bales have been added to the plans.

4. Proposed soil stockpile areas should be shown and the “limits of disturbance” adjusted if necessary. Erosion control measures for the stockpiles should be included.

Soil will not be stockpiled onsite. All topsoil that is stripped will be removed from project site and relocated to another location on campus where it will be graded and stabilized. Any topsoil required to restore “lawn areas” around the turf field will be brought back and placed. A diagram of the movement of the soil to it’s new location is attached.

5. Soil borings should be shown darker on the plans and labeled.

Boring locations will be made darker and labeled.

6. It is recommended that a swale be added on the west side of the field in the area of the proposed 6" underdrain to collect the surface flow prior to the field.

A swale with drain piping has been added to the west side of the field and a detail added to the plans to ensure run-on water will be intercepted.

7. Details should be added for:

- o 6" underdrain, showing the size and type of stone and filter fabric wrapping the stone;

Detail added.

- o Stone trench for infiltration, showing the size and type of stone, filter fabric and its relationship with the 8" stone and turf above;

The stone in the trench and field stone base are the same product, gradation added to plans. Filter fabric will be placed in the bottom of the trench per the cross section details.

- o Proposed grass swales, giving the proposed width of the bottom, depth and slope of the sides (see comment 9);

Cross section details have been added to the plans.

- o 12" flat panel drain;

The flat drain profile has been amended from "composite flat drain" to "12" flat panel drain".

8. We recommend that filter fabric be installed at the top or bottom of the 8" stone layer to prevent the migration of materials that may clog the drainage stone area.

Filter fabric is shown in the details at the bottom of the stone layer (between subgrade and the stone base) and will be installed accordingly.

9. In the drainage computations: the channel widths shown appear larger than shown on the plans. Also, it is recommended that no infiltration be included in the computations due to the poor existing soils, and high groundwater elevations.

The channel widths in the computations and plans appear to be consistent. We have changed the computations to reflect no infiltration as requested. We will now propose to treat the required water quality volume using grass filter strips.

10. What material is proposed for the level spreader?

A 12" x 24" "pea gravel" level spreader is proposed. Material of construction will be an ASTM #6, ¾" crushed stone

11. The proposed 24" diameter manholes do not appear to be large enough to accommodate the proposed pipes.

Outlet pipe sizes have been decreased to 8" diameter, manhole diameters are verified.

12. There is no cover over the proposed 18" diameter outlet pipe as shown and the 15" diameter pipe has shallow cover in areas.

Pipe cover on the 15" pipe meets the 1' minimum per manufacturer's guidelines. The proposed 18" pipe has been changed to 5-8" pipes to spread the outflow in accordance with your recommendations.

13. Outlet protection should be provided at the proposed 18" outlet pipe.

A "pea stone" level spreader has been added to the outfall of the new 8" outlet pipe system.

14. Items to consider with the proposed infiltration system:

Infiltration will no longer be utilized as a BMP for water quality.

o The bottom of the system should be located at least 3 feet above the bedrock and seasonally high groundwater table;

No longer applicable, infiltration will no longer be utilized as a BMP.

o The existing "C" soils are not conducive to infiltration;

No longer applicable, infiltration will no longer be utilized as a BMP.

o The bottom of the stone infiltration system should be located below the frost line;

No longer applicable, infiltration will no longer be utilized as a BMP.

o Consider installing a system to store the stormwater with no infiltration due to site conditions;

System to be installed is engineered to store stormwater with no infiltration.

o Recommend reviewing the use of several small outlet pipes from the 15" diameter collection pipe instead of a single 18" diameter pipe. This would spread the flow out and reduce the amount of concentrated flow being directed to a single point at the wetlands;

The recommendation has been studied and implemented. We now propose the use of 5 – 8" pipes in lieu of the 18" pipe initially proposed. Pipes will outlet to a level spreader to restore the sheet flow characteristics of the pre-developed site and eliminate the risk of channelized flow and erosion. Plans and details now reflect this.

15. Additional information should be included on the details/plans to address the stripping of existing topsoil/unsuitable materials and specify the material to be placed below the 8" stone base. The geotechnical report recommends a minimum of 18" of non-frost susceptible materials (including the field surface and 8" dynamic stone).

The material to be placed below the 8" stone base will be onsite native material. This material will be re-shaped to achieve the design subgrade elevations which mirror the proposed finish grade of the field in line and grade, maintaining a consistent 8" profile of drainage stone. The field subgrade material will be compacted to 90%. A woven stabilization fabric will be placed on subgrade beneath the drainage stone layer for added stability.

The geotechnical engineer's recommendations for 18" of non frost susceptible material will be considered if the subgrade is deemed not capable of supporting the construction equipment without rutting as observed during construction. Clark has installed fields with this profile in similar conditions that still after many years of service perform at the highest level after many years of service.

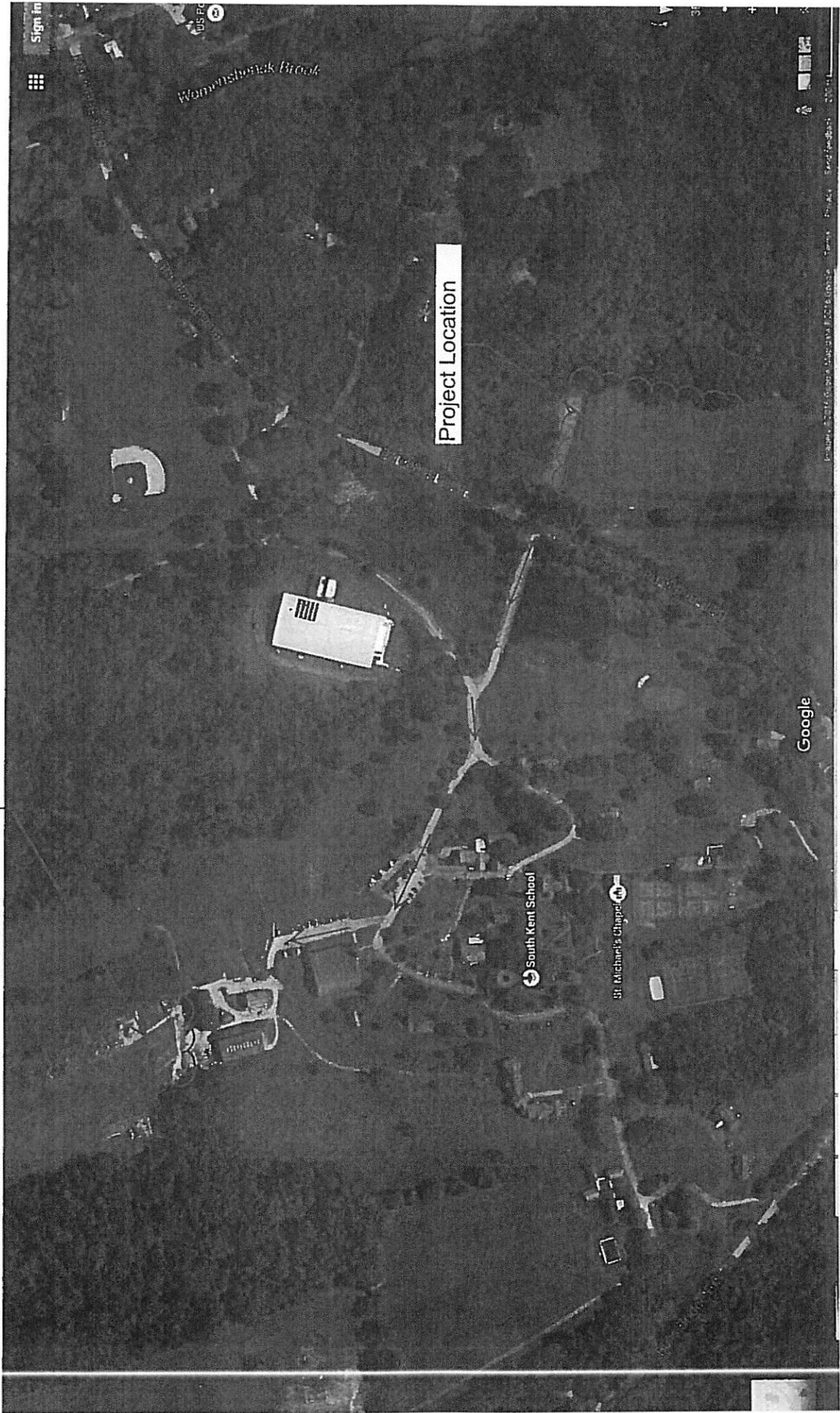
We hope that the above narrative and revised plan sections fully address the concerns raised by our initial athletic field design submission. We will make any effort necessary including meeting at Anchor Engineering's convenience to resolve any outstanding issues. Please feel free to contact us at your convenience.

Sincerely,



James D. Catella, PE

Relocated Topsoil
Permanently
Stabilize



South Kent Project
Topsoil Relocation

COPY

RECEIVED
5/18/16
DML

25 Bulls Bridge Road
South Kent, CT. 06785

SAL

May 15, 2016

Town of Kent
Planning and Zoning Commission
41 Kent Green Blvd.
P.O. Box 678
Kent, CT 06757
Attention: Chairperson

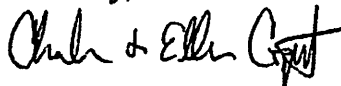
Mad into
need
by John

Dear Commissioners:

It has come to our attention that the South Kent School Corporation has made a Special Permit Application to the Planning and Zoning Commission in connection with a proposed modification of an existing athletic field and the installation of significant lighting fixtures (the "Application"). It is our understanding that at a Public Hearing with respect to this application held on May 12, 2016 (the "Hearing"), the South Kent School Corporation asserted that it had provided us with prior notice of the Application and the Hearing as adjoining property owners.

This letter is to advise the Commission that the South Kent School Corporation did not, and has not, provided us with any notice of the Application or the Hearing. Without prior notice of the Hearing we were denied an opportunity to learn about the Application and to express our views to the Commission.

Sincerely,



Charles and Ellen Cogut

cc: President, South Kent School Corporation

Headmaster, South Kent School



COPY
SOUTH KENT
SCHOOL
Global. Learning. Environment.

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5/24/16

May 19, 2016

Town of Kent
Planning and Zoning Commission
POB 678
Kent, CT 06755

*Need into
the
record by
John*

Dear Commissioners:

Regarding the letter from Mr. and Mrs. Cogut, I attended the hearing on May 12 and I apologize for the confusion regarding their complaint that South Kent School did not provide them with notice of the Hearing.

I want to be clear that at no time do I recall asserting that the School provided prior notice to adjoining property owners. At that moment, I did not know if someone from the School did that or not. It is my understanding that prior notice is not required.

I was asked a direct question: "Have you heard anything from the neighbors?" I said that I had not – which was true.

If I have caused confusion, I apologize. I will be happy to meet with Mr. and Mrs. Cogut to explain the project and our limited lighting proposal.

Sincerely,

Andrew J. Vadnais
Head of School

Cc: Charles and Ellen Cogut
POB 157
South Kent, CT 06785

COPY

25 Bulls Bridge Road
P.O. Box 157
South Kent, CT. 06785

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RECEIVED
5/25/16
DMH

May 22, 2016

*Must sign the
New York
John*

Town of Kent
Planning and Zoning Commission
41 Kent Green Blvd.
P.O. Box 678
Kent, CT. 06757
Attention: Chairperson

Dear Commissioners:

We have received a copy of a letter from Mr. Vadnais, Head of South Kent School to you in response to our letter to the Commission dated May 15, 2016. Mr. Vadnais takes issue with our suggestion that it was "asserted" at the Hearing that notice of the Hearing and the South Kent School's Application had been given to the School's adjoining property owners. However, Mr. Vadnais fails to mention that the Application package submitted to the Commission included a copy of a letter dated April 27, 2016 from the South Kent School Corporation to "Landowner" providing notice of the Hearing to adjoining property owners. We never received any letter or other communication in advance of the Hearing. (We have been advised that Bulls Bridge Golf Club also did not receive a letter. We have no knowledge about other adjoining property owners.) Only the members of the Commission can decide if they were led to believe that advance notice of the Hearing had been given to adjoining property owners.

In any event, we have the following views with respect to the Application:

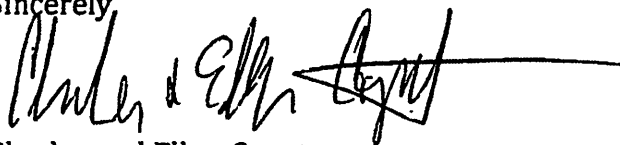
1. Should the Commission determine to grant the Application, I believe that rather than having a "Proposed Turf Field Lighting Schedule" the South Kent School Corporation should agree to a definitive Schedule (and agree in advance to significant fines for each and every violation of such a Schedule.)
2. Lighting should not be allowed during the last week of August. Many Kent property owners spend that week on vacation in Kent, and they should not be subject to 3 nights of lighting of the Field during that week. Likewise, the lighting should not be allowed on the Friday night of Memorial Day Weekend. The definitive Schedule should otherwise be limited to the dates and times (subject to item 3 below) indicated on the Proposed Schedule.
3. The lighting should not be allowed to be turned on prior to sunset (with such times of sunset determined by an agreed source.)
4. Use of the lighted field by third parties (that is teams not from South Kent School or a Tournament sponsored by South Kent) should not be allowed.

Any such use by third parties for payment would, in my view, turn the fields into commercial properties. If the Commission allows such third party use, it should require any proceeds from third party use to be split equally with Kent not-for-profits such as the Volunteer Fire Department, Library and/or Community Fund. In no event should there be any third party use allowed with lighting of the fields at times not included in the definitive schedule discussed above.

5. Parking at this field and South Kent's other playing field on Bulls Bridge Road has generally been disorganized and, in my view, dangerous. If the Application is granted I believe that the Commission should use this opportunity to force the South Kent School to have more organized and safer parking for its athletic events in facilities on Bulls Bridge Road.

We would like to thank the Commission in advance for its consideration of these proposals. As I am sure that the Commissioners understand, in making these proposals we are not waving any rights of any nature we may seek to enforce against the South Kent School Corporation in connection with the quiet enjoyment of our property and/or other violations of our property rights.

Sincerely,



Charles and Ellen Cogut

cc: Mr. Andrew Vadnais, Head of School

President, South Kent School Corporation

Patrick R. Hackett, P.E.
16 East Street, Lakeville, CT 06039
(860) 355-9799 prh@prhackett.com

June 9, 2016

Ms. Donna Hayes, Land Use Administrator
Town of Kent
41 Kent Green Boulevard
Kent, Connecticut 06757

RE: Site Plan Review – Anchor Engineering Letter – June 1, 2016
Morrison Gallery, North Main Street, Kent

Dear Donna,

Please find attached a revised copy of the site plan. We have addressed comments made by Anchor using the same numbering system as their original letter.

Plans

1. There are now 22 spaces with one handicapped space. A 9' access aisle is provided with a 9' wide space.
2. Parking has been shifted away from the street a few feet. The proposed parking spots are further back than the existing parking spots to the north.
3. All travelway areas have been moved to be at least 10' from the property line. A fence detail along the parking on the north side of the parcel is provided and can be found on sheet SP1.0.
4. See sheet SP1.0 for the proposed landscaping
5. See sheet SP2.0 for additional lighting details
6. Additional existing and proposed spot elevations have been added to the plan in order to assure runoff is directed as planned.
7. Detectable warning strips are now shown on sheet SP1.0.
8. Spot elevation have been added to demonstrate there is no low-point. A yard drain has been added to the north of the sidewalk.

9. The old foundation will be removed in its entirety. The proposed storage building will have concrete walls on the perimeter to allow the grading as shown.
10. So noted. The storage building finished floor elevation is higher than the maximum possible elevation in a 100-year flood event by more than a foot.
11. So noted. See sheet SP1.0 for the first three bulleted items. Since the soils are sand and gravel with no water table, no footing drain discharge points are shown. A detailed of the graveled portion of the parking area is shown on sheet GP. The tire stops will aid in delineating parking spots. Items to be removed can be found on sheet GP. With the travelway area moved back to 10 feet, there is no need for a 1' wall. There are additional details on the plans.
12. A feasible water and sewer line has been shown to the storage building in the event a water-using device is contemplated. Any sewer line from the storage building to the main building would need to be pumped.
13. There is an existing sewer lateral that was extended to just past the bituminous sidewalk when the water main work was done a while back. I have no record of what elevation it was stubbed out to, only the location. However, even if the line is 4 feet deep at the end of the lateral the stub invert would be 500 and with a 93' run there is enough for a 6" pipe to have a 1/8" pitch and a foot of cover. In the event the stub is too high for gravity, an ejector sump will be installed. The water line will run to the existing water meter located by the surveyor and shown on this plan.

Storm Drainage

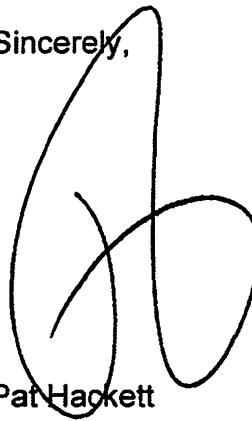
1. Three test holes have been excavated on Monday June 6. All three holes were at least 15' deep and showed no indication of ledge or seasonal high groundwater. Original material is well-graded sand, gravel, and cobbles. The State of Connecticut has the surficial material listed as SG/F, sand and gravel overlying fines. The Quaternary Geology mapping has the area as uncorrelated deposits of distal meltwater streams. The Glacial sediment thickness mapping indicates the deposit is 50 to 100 feet deep for the majority of the parcel and 50 to 0 for a very small portion. A sieve analysis and density and gradation correlation indicate the permeability is around 10 feet per day. This means the units will empty after 2 days with no rain.
2. The drywells do not have solid covers. The basin grate is required so it can be readily determined if the bottom needs to be cleaned. The area surrounding all three dry wells is grass and untraveled. Any basin directing runoff to the dry wells or basin area are now spec'd to have a 4' sump.
3. See 4. There is a table indicating capacity using Mannings formula on sheet DP.

4. The is a separate drainage sheet (DP) where inverts and flows are listed. The maximum flow used for sizing the pipes is the Q100 for the watershed divided by the percentage of contributing watershed to the structure.
5. The purpose of the storage is for it to be retained and released after the storm. Discharge from the site is mutually exclusive of storage. It is the interaction of the 2 that determine the attenuation in the rate of runoff. There is a substantial amount of storage provided below the historical outlet elevation discharge point on the property. This storage has a significant impact for the lower frequency design storms' rate of runoff. The discharge curve is now based on a weir formula using the existing saddlepoint as the crest of the weir. The same curve is used to route both the current and last use. In addition, based on actual soils, the hydrologic soil grouping for the soils is now A to reflect what is actually present.
6. With the additional storage provided, both below and above the site discharge elevation, design storm discharge from the site is less than predevelopment discharge rates. Since the same discharge curve is used for all scenarios (ie, no change in discharge control location, height, or geometry for current, last use, or proposed) an apples-to-apples comparison can be made on both the discharge rate and elevation (same for all three scenarios). Given the controlling rate of runoff leaving the site has not been changed, since there is no berm, no berm is proposed, and no modification to the outlet area is proposed, and this property has been draining through the adjacent property long before the adjacent property was even developed, no right to drain is needed.

General

1. ConnDOT is aware of the project and an application for an encroachment permit will be filed.
2. So noted.

Sincerely,

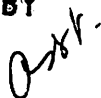


Pat Hackett

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KENT TOWN CLERK

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BY



TOWN CLERK