

TOWN OF KENT
PLANNING AND ZONING COMMISSION
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JUNE 9, 2016 REGULAR MEETING MOTIONS

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.

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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.

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

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

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 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.

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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. 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

No action taken.

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.

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

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.

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

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.

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.

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.

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

No action taken.

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

No action taken.

9.C. Resignation of Land Use Clerk

No action taken.

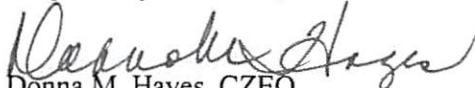
9.D. Bull's Bridge Golf Club membership information.

No action 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

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