

TOWN OF KENT
PLANNING AND ZONING COMMISSION
41 Kent Green Boulevard
P.O. Box 678
Kent, CT 06757
Phone (860) 927-4625 Fax (860) 927-4541

MARCH 12, 2020 REGULAR MEETING MINUTES

The Town of Kent Planning and Zoning Commission held a regular meeting on Thursday, **March 12, 2020** at 7:00 p.m. in the Kent Town Hall.

1. CALL TO ORDER

Vice Chairman Wyrick called the meeting to order at 7:03 p.m.

2. ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED

Commissioners Present: Karen Casey, Wes Wyrick, Marc Weingarten
Darrell Cherniske, Alice Hicks, David Birnbaum

Staff Present: Donna Hayes, Land Use Administrator and Tai Kern, Land Use Clerk

David Birnbaum was elevated to voting status.

3. READING AND APPROVAL OF MINUTES:

3.A. Regular Meeting Minutes of February 13, 2020.

Mr. Weingarten moved to approve the Regular Meeting Minutes of February 13, 2020. Ms. Hicks seconded and the motion carried unanimously.

4. PUBLIC COMMUNICATIONS (ORAL): N/A

5. OLD BUSINESS:

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

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

6. NEW BUSINESS:

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

TOWN OF KENT PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES FOR MARCH 12, 2020

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6.B. DISCUSSION AND POSSIBLE DECISION

6.B.1. Operation of temporary Farmer's Market from May 22 to mid-October, 2020, Friday's only, 0 South Main Street, Map 19 Block 12 Lot 6.

Donna Hayes reported that the original site plan approval was given in 2016. This is their normal renewal; however, they have added three more vendors.

Mr. Weingarten moved to approve application #50-16C Operation of temporary Farmer's Market with eight vendors from May 22 to mid-October, 2020, Friday's only, 0 South Main Street, Map 19 Block 12 Lot 6. Ms. Casey seconded and the motion carried unanimously.

6.B.2. Continuation of special events in violation of Cease and Desist Order and Consent Agreement signed June 29, 2017, Guy Mauri, 52 Kent Cornwall Road, Map 9 Block 43 Lot 15.

Donna Hayes explained that this agenda item is to authorize Attorney Zizka to move forward with legal action with regard to the violation of the consent agreement.

Farm Operator, Christina Acorn, reported that these are just dinners; however, she has only been with the farm a year and understands there is a long history. She explained that their resources for making money on a very small part of land is limited. Ms. Acorn stated there was a miscommunication regarding the recent plan for a catered wedding with 105 guests.

Karen Casey feels this is very discouraging after all the town went through and what was agreed upon in 2017. Marc Weingarten noted that he would be more sympathetic if this was really a farm and a dinner served with items produced on the farm. However, the Assessor has confirmed this is not designated a farm. Darrell Cherniske stated his concerns with poisoning the well for legitimate agritourism going forward. Therefore, they need to enforce what was already agreed upon.

Mr. Weingarten moved to seek enforcement for the continuation of special events in violation of Cease and Desist Order and Consent Agreement signed June 29, 2017, Guy Mauri, 52 Kent Cornwall Road, Map 9 Block 43 Lot 15. Mr. Cherniske seconded.

*Discussion: An e-mail from Guy Mauri was read for the record.
The motion carried unanimously.*

6.B.3. Discussion regarding possible modification to Application #43-15SP, 33 Camps Road, LLC, 33 Camps Road, Map 17 Block 28 Lot 30; **possible modification to include an additional day for seasonal tours, tastings and retail sales.**

David Birnbaum recused himself.

Donna Hayes reported that the condition of approval limited tastings to Saturday and two other days a week. They are looking to modify to add an additional day. The Commission needs to determine tonight whether this is something that can be done administratively or is substantial enough to do a modification to the special permit with a public hearing. The Commission agreed that this is high profile and significant enough to decide through public hearing.

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Motion by Mr. Weingarten to schedule public hearing for possible modification to the special permit on April 9, 2020, for Application #43-15SP, 33 Camps Road, LLC, 33 Camps Road, Map 17 Block 28 Lot 30; possible modification to include an additional day for seasonal tours, tastings and retail sales. The motion was seconded by Casey and carried unanimously

David Birnbaum was reseated.

- 6.B.4. Planning schedule for the rewrite of the Subdivision Regulations dated June 1, 1995.

Wes Wyrick noted that he feels that it is important that their Planner that did the Zoning regulations update the Subdivision Regulations as well. Donna Hayes noted that there is money in the budget for the Plan of Conservation and Development that can be used for this. Wes Wyrick suggested that a subcommittee review these regulations.

Donna Hayes agreed to get a price from Glen Chalder. Wes Wyrick and Adam Manes will work as a subcommittee to review the regulations.

- 6.B.5. Discussion on creating a revised definition of “convalescent home” or similar institutional term.

It was agreed that this item be discussed when more Commission members could be available. Alice Hicks suggested that they receive professional help to write this definition. The members agreed that State recognized terms should be utilized. Additionally, insurance definitions will be researched.

7. STAFF REPORT:

- 7.A. Update on High Watch application to Office of Health Strategy for a Certificate of Need.

Donna Hayes reported on the status of this application. The Office of Health Strategy responding to High Watch’s application with several questions. The next update is expected by May 2nd.

8. REPORT OF OFFICERS AND COMMITTEES: N/A

9. OTHER COMMUNICATIONS AND CORRESPONDENCE:

- 9.A. Administrative Permits and Certificates of Compliance – February 10 – March 6, 2020. - Reviewed
- 9.B. NHCOG memo dated February 2020: New NHCOG Resources for Your Town. - Reviewed
- 9.C. Monthly Financials – January 2020 - Reviewed
- 9.D. Updated Demographic, Housing and Economic Data from NHCOG - Reviewed

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- 9.E. Republic American newspaper article, "Lawsuit Alleges Wolcott Violated Federal Law by Changing Zoning Regulations to Prevent Group Home from Opening on Residential Street".- Reviewed
- 9.F. Copy of An Application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility at one of two sites to serve the Town of Kent. Submitted by Cuddy & Feder, LLP. - Reviewed

10. ADJOURNMENT

Mr. Weingarten moved to adjourn at 8:09 p.m. Ms. Casey seconded and the motion carried unanimously.

Respectfully submitted,

Tai Kern

Tai Kern, Land Use Clerk

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Tai Kern
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