

TOWN OF KENT
PLANNING AND ZONING COMMISSION
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BY *J. Bracy*
TOWN CLERK

AUGUST 8, 2019 REGULAR MEETING MINUTES

The Town of Kent Planning and Zoning Commission held a regular meeting on Thursday, **August 8, 2019** at **7:00 p.m.** in the Kent Town Hall.

1. CALL TO ORDER

Chairman Johnson called the meeting to order at 7:01 p.m.

2. ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED

Commissioners Present: Wes Wyrick, Marc Weingarten, Karen Casey, Anne McAndrew, John Johnson, Alice Hicks, Darrell Cherniske

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

Anne McAndrew was elevated to voting status.

3. READING AND APPROVAL OF MINUTES:

3.A. Regular Meeting Minutes of July 11, 2019

Mr. Weingarten moved to approve the Regular Meeting Minutes of July 1, 2019. Mr. Cherniske seconded and the motion carried unanimously.

3.B. Special Meeting Minutes of July 11, 2019.

Mr. Weingarten moved to approve the Special Meeting Minutes of July 11, 2019. Mr. Cherniske seconded and the motion carried unanimously.

4. PUBLIC COMMUNICATIONS (ORAL): N/A

5. OLD BUSINESS:

Alice Hicks was seated at 7:04 pm.

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Mr. Weingarten moved to add application #64-19C, Dolores R. Schiesel, Esq. for Roberti Family, LLC, 175 Carter Road, change of use from single family dwelling and accessory dwelling unit to convalescent home, Map 14 Block 2 Lot 3, to be part of and included with agenda item 5.A.1. Mr. Cherniske seconded and the motion carried unanimously.

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

- 5.A.1.** Application #'s 44-19SP and 64-19C, Dolores R. Schiesel, Esq. for Roberti Family, LLC, 175 Carter Road, change of use from single family dwelling and accessory dwelling unit to convalescent home, Map 14 Block 21 Lot 35.

Chairman Johnson reopened the public hearing at 7:05 p.m. and read correspondence submitted by Mr. & Mrs. Palmer. Donna Hayes reported that the Fire Department and Ambulance Service voiced their concerns that they have no detailed information to evaluate regarding this matter.

Dolores Schiesel came forward and reviewed the driveway elevations and site plan with the Commission. She reported that the applicant agreed to lower the grades of the driveway to assure the grade will not exceed 15 percent.

Attorney Schiesel noted that there are three wells and a pool that can be used by the Fire Department if needed. Fire suppression and sprinkler systems will be installed on the interior of the house if required. The anticipation is that the only medical emergencies would be related to regular health. No one that uses drugs or alcohol would be staying on the property. Currently the house accommodates 20 overnight guests with no restrictions. This proposal would be lower key than the normal use of the house. They do not expect traffic to increase. The operation will run as a small family would with regard to food preparation and laundry. There will be no box truck deliveries. The proposed parking plan includes ten parking spaces, one handicap space and a loading area by the garage of the main house.

Atty. Schiesel explained that the concept for this proposal is that this will be a place for professionals coming from various places who are in recovery. The expectation is that guests would have been sober for a couple months. House activities, AA meetings and taking responsibility for activities within their own life will all be required. This would be a structured environment following a handbook of daily expectations. She reviewed the expectations and noted that AA meetings would not be open to the public.

The staff and management expectations were discussed. The layout of the house will be divided into zones to be occupied by people of the same gender. The great room, kitchen and recreational areas would be common areas. It is expected that clients would only have guests on Sunday and the house manager would coordinate to assure that only two residents would have guests at one time.

John Johnson questioned whether the wells would need to be adapted to be used by the Fire Dept. He explained that he would like to understand the qualifications of those running this program and would like to be assured that professional staff would oversee this facility. Atty. Schiesel explained that an experienced person would be hired to be the operator. She noted that there is no licensing required for sober homes.

Marc Weingarten inquired whether the group sessions would be run by a professional therapist. Attorney Schiesel advised that they would be willing to agree to this as a stipulation. Mr. Johnson reiterated the need to understand the qualifications of the operator. Darrell Cherniske asked about the protocol with regard to

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enforcing the expectations. Ms. Schiesel explained that the house manager would deal with issues in a private and quiet manner unless issues became criminal.

Wes Wyrick researched sober homes in the area and reported there are 5 sober homes; however, none of them are co-ed. He finds the co-ed situation concerning. Alice Hicks reported that her research shows that the smaller sober homes are more successful. The sober homes of this size are found in larger cities.

Attorney Schiesel confirmed for Alice Hicks that they would not take referrals from the criminal justice system. The House Managers would work in shifts; therefore, no sleeping accommodations would be required. There would be 18 people on site during day hours and 17 on site during sleeping hours. The vetting of guests may be done by an offsite Operator.

Marc Weingarten discussed traffic studies. Donna Hayes reminded the group that traffic is a concern to the Town of Warren. Additionally, Warren is questioning whether there is any intent to use the property located in Warren. Dolores Schiesel explained that her only assumption is that hiking trails may extend into the Warren property.

John Johnson noted that this is a sizable institution that requires professional oversight. Donna Hayes reported on her conversations with the Office of Health Strategy regarding the oversight of a convalescent home and is waiting to hear back regarding a determination.

Darrell Cherniske discussed the predominance of one type of operation within a neighborhood and the expectation of compatibility by the residents.

Larry MacNeil of Warren came forward noting that his property abuts the Roberti property. He explained that he did not receive any warning of what was going on and he has concerns with the effect on property values. Additionally, his wife has safety concerns. He would like assurance that the people with addictive personalities staying here are not sex addicts. He reported that the septic systems were not designed for this many people and another septic system cannot be put in due to the ledge in the area. John Johnson reported that the applicant would have to meet the State Regulations regarding septic.

Chris Reinberg questioned whether the proposed convalescent home would be taking insurance to pay rent. He discussed security noting the requirements for such a facility.

Fred Hosterman discussed his concerns of how this might affect his adjoining property. John Johnson stated that impact on the neighborhood is something they can consider.

Dr. Karen Altfest noted the changes to this road over the years. She does not understand the difference between a sober home and a convalescent home and why convalescent home does not need any license. She questioned whether the amount of 16 guests could be increased in the future. She asked if the new bridge on the road related to this proposal. John Johnson reported that the bridge repair is part of the town's regular maintenance plan. He explained that some of the items brought up can be included as conditions of approvals for this application.

Ellen Altfest of 110 Carter Road explained that she is curious whether there is a limit of the people that can be at this house. The house can host up to 700 people. The new 50,000 sq. ft. addition on High Watch is beyond the tipping point for this road. That is all this little quaint rural road can take. John Johnson

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explained that an increase beyond 16 residents would have to come before the Commission. The idea of events has not yet been discussed, but will be further explored.

Lou Altfest noted that more details about this venture is needed. The details can be used to hold these people accountable.

Eric Epstein discussed his concerns about call volume, specifically for the ambulance. He asked that data about call volume for sober homes be provided. Together with the High Watch addition, this may put the call volume over the edge.

Linda Palmer explained that High Watch has not even started construction on doubling their size. Traffic is going to increase. She has concerns with the 11 acres that abuts this property. They have the ability to expand into Warren.

Attorney Schiesel explained that there is no data that this will decrease property values. The house will not be open for sex addicts. The approval would be contingent upon approvals by other agencies with regard to septic, etc. Staffing ratios continue to be explored. This will be dedicated as a sober home. There would be no other use. She cannot answer why Carter Rd has become a magnet for this kind of operation; however, this is a problem that our society is struggling with at this time. There should not be many ambulance calls as those staying here will be sober. Staffing has to be considered with regard to therapy treatment.

The Commission requested an extension to the September meeting. Attorney Dolores Schiesel submitted a letter granting this extension.

Alice Hicks requested expert testimony at the next meeting.

Mr. Wyrick moved to continue to the September meeting the public hearing for Application #'s 44-19SP and 64-19C, Dolores R. Schiesel, Esq. for Roberti Family, LLC, 175 Carter Road, change of use from single family dwelling and accessory dwelling unit to convalescent home, Map 14 Block 21 Lot 35. Mr. Weingarten seconded and the motion carried unanimously.

5.B. DISCUSSION AND POSSIBLE DECISION

- 5.B.1.** Application #42-19ZRA, regulation amendment to §4124 and §4224, proposed by Mr. Marc Weingarten; discussion and possible scheduling of public hearing per §10500.

Marc Weingarten recused himself.

Donna Hayes explained that Marc Weingarten has made changes to the proposed regulation. Marc Weingarten came forward and reviewed the changes to the draft proposal that would permit gun stores within the industrial zone and eliminate the 1000-foot limit with regard to residentially zoned acres as to not prevent a gun store from opening anywhere in Kent. The definition of gun store was adjusted to make it less vague.

Darrell Cherniske questioned whether distance limits are required within the regulation or if this is something that can be established during the special permit process. John Johnson suggested moving the specificity under the Regulations rather than under the Definitions.

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The group agreed to bring the proposal to public as presented.

Ms. Casey moved to schedule public hearing for October 10, 2019 application #42-19ZRA, regulation amendment to §4124 and §4224, proposed by Mr. Marc Weingarten; discussion and possible scheduling of public hearing per §10500. Mr. Cherniske seconded and the motion carried unanimously.

Mr. Weingarten was reseated.

6. NEW BUSINESS:

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

- 6.A.1.** Application #'s 59-19SP and 60-19C, David Birnbaum for 33 Camps Road, LLC, 33 Camps Road, operation of bed and breakfast, Map 17 Block 28 Lot 30.

The Public Hearing was opened at 9:08 p.m. and Chairman Johnson read aloud the legal notice.

Donna Hayes reported that TAHD approval was received. The regulations allow for a 3 bedroom in the rural zone. This application is for 2 bedrooms in the old farm house.

David Birnbaum came forward reviewed the plan noting the exterior of the house will be unchanged and the interior will be brought up to code. The parking plan was reviewed. There will be no special lightning. There will an addition to the existing sign and a placard on the building.

The Commission looked for comment from the public. There was none.

Mr. Wyrick moved to close public hearing at 9:17 pm for application #'s 59-19SP and 60-19C, David Birnbaum for 33 Camps Road, LLC, 33 Camps Road, operation of bed and breakfast, Map 17 Block 28 Lot 30. Mr. Cherniske seconded and the motion carried unanimously.

Mr. Wyrick moved to approve waivers 8, 9, 10, 11. Mr. Weingarten seconded and the motion carried unanimously.

Mr. Weingarten moved to approve application #'s 59-19SP and 60-19C, David Birnbaum for 33 Camps Road, LLC, 33 Camps Road, operation of bed and breakfast, Map 17 Block 28 Lot 30. Mr. Wyrick seconded and the motion carried unanimously.

6.B. DISCUSSION AND POSSIBLE DECISION

- 6.B.1.** Reappointment of Greg St. John and Steven Pener as members of the Architectural Review Board to a term of two years ending August 10th, 2021.

Ms. Hicks moved to reappointment of Greg St. John and Steven Pener as members of the Architectural Review Board to a term of two years ending August 10th, 2021. Mr. Cherniske seconded and the motion carried unanimously.

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- 6.B.2. Follow-up to Volunteer Fire Department joint meeting that was held on July 11, 2019.

John Johnson reported that getting together with the KVFD is a good idea and the Commission would be interested in doing a part two of this informational meeting. It was agreed that a Special Meeting would be arranged for this purpose.

7. STAFF REPORT:

Donna Hayes queried the Commission on their opinion regarding receiving electronic packages in an effort to become greener. Several Commission members felt this was too cumbersome for them. However, others saw the benefit in the cost and paper savings. It was agreed that digital packages would be e-mailed and hard copies would be made available in the office and at the meeting.

8. REPORT OF OFFICERS AND COMMITTEES: No action taken.

9. OTHER COMMUNICATIONS AND CORRESPONDENCE:

- 9.A. Administrative Permits and Certificates of Compliance – July 8 to August 2, 2019. - reviewed
- 9.B. Monthly Financials – June, 2018 through July, 2019. - reviewed
- 9.C. *Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter, Summer 2019*

Donna Hayes pointed out the notation that the lack of expert testimony regarding traffic leads to speculation. Marc Weingarten explained that this does not mean you cannot rely on the public when there is no expert testimony.

10. ADJOURNMENT

Mr. Wyrick moved to adjourn at 9:40 p.m. Ms. Casey seconded and the motion carried unanimously.

Respectfully submitted,

Tai Kern

Tai Kern,
Land Use Clerk