



**TOWN OF KENT**  
**PLANNING AND ZONING COMMISSION**  
41 Kent Green Boulevard, P.O. Box 678, Kent, CT 06757

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**REGULAR MEETING MINUTES**

The Planning and Zoning Commission held a regular meeting via zoom on Thursday, September 9, 2021.

**1. CALL TO ORDER**

Mr. Winter called the meeting to order at 7:00 p.m.

**2. ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED**

Commissioners Present: Matthew Winter, Chairman; David Birnbaum, Karen Casey, Darrell Cherniske, Alice Hicks, Adam Manes, Anne McAndrew, Marc Weingarten, Wes Wyrick

Staff Present: Donna M. Hayes, Land Use Administrator

**3. READING AND APPROVAL OF MINUTES:**

**3.A. Regular Meeting Minutes of August 12, 2021.**

Mr. Winter pointed out the following changes: page 5, last sentence in the third paragraph from the bottom, "will not" should be changed to "will now"; page 6, last sentence of last paragraph under agenda item 6.B.2., "brewer" should be changed to "brewery"; and, page 8, last line of second paragraph from the top of the page, "great" should be changed to "grade".

*Mr. Manes moved to approve the Regular Meeting Minutes of August 12, 2021 as corrected. Mr. Cherniske seconded and the motion carried unanimously.*

Ms. McAndrew asked again about her discussion regarding the community barn at the proposed conservation subdivision. Mr. Winter asked Ms. Hayes how to correct the minutes from the meeting of July 8<sup>th</sup>. Ms. Hayes responded that Ms. McAndrew send an email with an explanation and she will attach them to the minutes for this meeting.

**3.B. Special POCD Sub-Committee Meeting Minutes of August 26, 2021.**

Mr. Winter pointed out the following change: page 1, second bullet in the first paragraph, "census date" should be changed to "census data".

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*Mr. Manes moved to approve the Special POCD Sub-Committee Meeting Minutes of August 26, 2021 as corrected. Ms. Casey 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 #'s 52-21SP and 53-21C, Paul Szymanski, P.E., Arthur H. Howland & Associates, for North Main Kent, LLC, 0 North Main Street, Map 3 Block 15 Lot 5, proposed conservation development of 13 lots.

The public hearing began again at 7:11 p.m.

Mr. Winter said that he would start this portion of the meeting by reading all the letters in to the record. Ms. Hayes said that it was not necessary to read all the letters and that they would be attached to the minutes and officially be part of the record. Mr. Manes said that there were a lot of letters and that he read them all. He did not think it would be necessary to read them out loud. Mr. Wyrick and Mr. Weingarten agreed. Ms. Hicks said that if Commission had not had access to the letters prior to the meeting, she would want them read into the record. Mr. Winter said that without reading them, he feels the public comment portion would be longer. Ms. Casey suggested that if someone attending wanted to read their letter aloud, they could do so. Ms. McAndrew asked how many letters were received "for" and "against". Mr. Winter said that there were 28 letters (attached to these minutes) and an op-ed piece in the Hartford Courant which he read but was not submitted for the record.

Mr. Winter then read a brief statement on the way the Commission accepts and deliberates applications that are received. He emphasized that sections 3124.10, 6700, 10300, 10400 and the subdivision regulations are those regulations that provide him with guidance with regard to this particular application.

Mr. Weingarten asked a procedural question in response to his statement. He continued by saying that it seems as though the applicant has crafted their subdivision to comply with the new subdivision regs. Mr. Weingarten said that he thought Mr. Winter said if the applicant has done that correctly, the Commission has no option but to approve and asked if that was right? Or is it still within the Commission's purview to say that, "yes, you crafted to comply with the regs, but the Commission still thinks that it's not in the best interest of Kent" or maybe "it was adverse to the health and safety". He continued that even though the subdivision complies, is it true that they still don't have to approve it. Mr. Winter replied that he did not think so. If any use is allowed by our regulations, then there are certain conditions that have to be considered. If the application satisfies those conditions, then the Commission is bound to approve.

Mr. Szymanski stated that since the last meeting, they met with the DOT on site; provided sight line analysis for speed and written comments will be supplied. Mr. Szymanski said that they were asking that this hearing be continued for one more month in order to supply information making the application complete. A formal request was submitted to the WPCA with regard to the capacity to serve the project; some plans have been submitted and were hoping to be able to be provided with a letter of formal guidance sometime next week. They met with the Assistant Chief of the KVFD and as a result of their meeting they modified the turning template analysis to be in compliance with the specifications of their ladder truck. That information will be forwarded to the KVFD for their final review and the KVFD will submit their comments. Mr. Szymanski submitted the site plans to Anchor

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Engineering for their comments. The applicant reviewed the site plan and special permit standards and will submit a letter which will demonstrate that they are meeting the performance standards compliance.

Mr. Andrew Baccon shared his screen which contained some updated site plans that can still be amended based on conversations during tonight's meeting. An additional buffer was added containing conservation and protected area in addition to the easement along Rte. 7. With regard to garbage, there will not be a central location for garbage, but each lot will have their own garbage containment. A floor plan was submitted for the Community Barn. No parking will be provided with the exception of an area for maintenance equipment. Mr. Baccon explained the design of the Community Barn which, in comparison to the Kent Land Trust Marble Valley Farm barn, is very similar. Views of the development were presented which better shows the look going north on Rte. 7. A view of the cluster area on the southern area, which needs more screening, was shown. A slide of the preliminary HOA covenants was presented. Some of the covenants refer to improvements and alterations; landscape; lighting; noise; nuisance; design guidelines including landscaping guidelines; guidelines with regard to minimal impact in order to utilize the meadow and forested area; storage of recreational vehicles; restriction of size. With regard to the management of the site, the HOA would manage the conservation area, maintain shared properties, drainage and screening on the southern side. The individual homeowners will be required to maintain their building and landscape according to the guidelines. HOA would also address noise so that it would not be a nuisance. No flood lights and dark sky lighting will be required. Design guidelines will codify the information presented.

Mr. Szymanski stated that any deviation to the presented material requires them to come back to the Commission. They will need to appear before the ARB for each specific design. This will ensure compliance with all the specifications. The formal HOA documents will be submitted as a condition of approval so that they can be compared to the record.

Mr. Baccon said that they feel very strongly that they are considering the site in a sensitive way. The neighbors and the community are also passionate about it and they appreciate that and will try very hard to make sure that everyone is satisfied with the final plan. The creation of the new conservation subdivision made this a longer process but Mr. Baccon and his team believe that they are being sensitive to the land and the community.

Mr. Winter asked if Mr. Szymanski wanted to go through some of the engineering data and he replied that it stands on its own and there was no reason to go through it.

Mr. Tony Zunino, town resident, spoke first. He said that he lives 1 mile from the site and the Kent Land Trust did look at purchasing this piece of property but could not close the deal. Mr. Zunino believes that this piece is critical in defining the northern edge of the village of Kent. He feels that the developers were sensitive to the architectural design but the development should be built further west in order to preserve the open field which is critical to the definition of the village of Kent. His comments were his own and he was not speaking for the Kent Land Trust.

Mr. David Yewer, town resident, said that he sensed some uncertainty as to the powers of the Commission especially based on the comment that was made by one of the Commissioners and if that is the case, then some direction from Town Counsel should be obtained. There are a lot of structures on a small piece of land; the same number of structures from the Fife N Drum to the church. The open space that is conserved will never be seen by anyone. Reduce the number of houses or rearrange the open space so that everyone can enjoy it. The economic benefit to the Town far exceeds the benefit of a few extra houses on a very visually important piece of property. In addition, Mr. Yewer visited the architect's website and did not see discussion of developments and subdivisions of this size. He had the following questions for them: 1) do they have experience with this size of project? 2) has the financing been secured and does it take into contingencies? 3) being the southern neighbor, it appears as if the roadway to the pool has now turned closer and along the southern border of the property. He

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requests that if this is approved that the line of blocking trees extends until the road turns to the north and that also during construction there should be a sound barrier fence that goes in before construction begins. Mr. Winter responded that all questions/comments be raised at once and that the applicant answer the questions once all have been asked.

Mr. Tim Good, resident/business owner/past president of the Chamber. He is concerned about how Kent is branded going forward. Mr. Good reminded the Commission that Yankee magazine considered the southern gateway into Kent as “eye-candy”. With regard to the special permit aspect and the amount of conserved land, the Commission needs to look at the fact that they do have some latitude regarding the amount of conservation land over the situation of the building land. As far as the length of the project, he is concerned with blight which is seen across the state and the country. He is concerned with the length of the project and the possibility of changes or incompleteness. Mr. Good said that Mr. Wurtzel, a town resident who could not attend the meeting, sent him an email about the lack of notification to the Town and that going forward with this and other projects, there should be more notification.

Ms. Joanne Wasti, resident, stated that the project is very sensitive to the space; however, if you look at Google maps and the density of Town, it tapers out as you leave Town. Putting this density in this field is really concerning because it dilutes where the Town center is and it is not really walkable based on the traffic. The comment that it is in Town is not really true. The open space was added in the front and a lot of open space in the back, but it is supposed to be continuous. She believes that it should be pushed way back away from Route 7. Ms. Wasti would like to see a reconfiguration and less density by providing more open space and leaving the field open as it is. Another concern of hers is if the development is not completed.

Mr. William Bachrach, resident, read his letter from Kent Affordable Housing which is attached to these minutes.

Mr. Peter Britton, who owns the Britton estate within the area of the proposed development commented that the family has a lot of history with the Town and feels that the key thing is ensuring the aesthetics of the development. Mr. Britton does not feel that the Town needs any more commerce in this little Town. He asked if the development could be moved ¼ mile north and if not ensure that the aesthetics of the Town are maintained. He feels that it will be a very condensed living habitat.

Ms. Joy Brown, resident, agrees with the critical importance of this field. Her question was whether or not the 28 letters were against this proposal or was it split. Mr. Winter said that a majority of the letters agreed with keeping the space open.

Ms. Maggie Stearns, resident, asked if the development could be placed in the western border leaving the field open. She said that she was also very concerned with traffic.

Ms. Dorothy Yewer, resident, stated that after reading the regulation, she believes that the Commission has the ability to change the amount of open space from 40% to 60%. She had the following questions: 1) is the permit transferable? 2) how much will the houses sell for? 3) the renderings are better than before but she would like to see renderings from Route 7 if you were driving north; and 4) how long will this take? There must be a parameter. The other questions are in the letter attached to the minutes.

Mr. David Yewer, resident, with regard to the scheduling, in most cases they have to know the schedule in order to finalize the financing. He would like to keep this area open for all and in the future the conservation regulation should include the fact that the conserved area should not be hidden away, but placed in an area where all can enjoy it. At the least, the barn should move back, north of the pool, so that area is more open and will eliminate any noise issue.

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Ms. Wendy Murphy, resident, wrote a letter about open space and the open gateways. She felt that topic had been covered already, but wanted to ask a technical question about the DEEP aquifer protection program by reading that section of her letter (attached to these minutes). Mr. Winter said that the applicant will answer that question along with the others.

Mr. Jos Spelbos, resident, read a letter from the Conservation Commission (attached to these minutes) and added that subdivisions should be publicized better.

Mr. Tim Good, resident/business owner/past president of the Chamber, believes that there is short sightedness about diminishing the quintessential look of the village and the erosion of branding of the Town over a period of time which will impact tourism and business.

Mr. Winter stated that at this point, he would like to turn the meeting over to the applicant to answer the questions.

Mr. Paul Szymanski, applicant representative, replied to the questions: with respect to the acreage, the property is just shy of 13 acres; they moved the southern houses farther back from Rte. 7 and provided additional open space; the house on lot 13 is now 125' from the roadway; the house on lot 12 is now 80' from the roadway; the house on lot 11 is now 125' from the roadway; the home directly south of the proposed subdivision is 45' from the roadway and the house across the street is 25' from the roadway; and, the Kent Hills Condominiums are closer than what is proposed. With regard to the tapering of density, the Kent Hills Condos at 80 North Main Street has at least 80 units and north there are more than 30 units at Brookwoods. They considered the vegetation and while most landscaping is done after construction, if the Commission approves, the applicant would be requesting permission to install the screening at the southern end of the development prior to the start of construction. They are also willing to put in a requirement that they monitor and replace any vegetation for three years. Three growing seasons will provide the establishment of the vegetation. With regard to the open space requirement, subsection C states, " Unless modified by the Commission, a minimum of 40 percent of the Conservation Development area shall be preserved as open space, preferably in one continuous parcel." This was intended to give the Commission the ability to reduce the percentage of conservation development if the site requires it. With regard to placing the development in the rear of the property, that would not be possible based on the regulation that is currently in place. Section 6720 states that primary conservation areas shall include "steep slopes (25% or more)" which is a large part of the property. Moving the project to the west would entail an inordinate amount of land disturbance. If that should happen, the development would need to be placed within prime farmland which is a secondary conservation area under Section 6720.b of the regulations. That area is only 100' to 110' deep where the depth in the front is 4X times that. There was concern about blight during the construction. The permit goes with the land; therefore, any sale of the property requires the new owners to come before the Commission for modifications or deviations. In this case they are also required to appear before the ARB. Noise will be covered under the HOA covenants. This will ensure that noise will not be a nuisance to neighbors or the property owners. The proposed barn carefully mimics the Kent Land Trust barn on the south side of the town. Mr. Szymanski replied to Ms. Murphy by stating that the state DEEP does maintain a map of all aquifer areas; there are currently 123 existing aquifer protected areas in 80 towns and Kent is not one of them. With regard to the question about the possibility of increasing the number of lots, it would not be possible because of the open space requirement, the association and the regulatory requirements. The lighting on the site will be dark sky lighting. With regard to suburban sprawl, the conservation development regulation, while a longer a process, produces more protection to land by eliminating the ability to include more lots, larger houses, more cuts to the land and more impervious surfaces. The requirement for environmental impact statements are not necessary due to the fact that the proposed development is outside of the wetlands, watercourses and upland review areas. The community building will only be for the use of the development and will provide some additional space for large family gatherings/events. There are only two parking spaces eliminating the possibility of the building being made available to the public. Mr. Szymanski had no further comments so Mr. Winter asked Mr. Baccon if he had any further comments.

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Mr. Andrew Baccon, developer, stated that the timing will depend on when they start and that it will be advantageous to both the developer and the town to keep the development as short as possible. With regard to experience, if the Commission requires the developer to bring in their resumes and an experience outline, they would be happy to do so but the team does have experience in significant architecture and development including single family residential all the way to multi-million square foot commercial projects.

Mr. Szymanski stated that the roadway is a simple structure since it will follow the grade. The storm water infrastructure, regular drainage and utilities will take approximately 3 -4 months to construct. The roadway will receive a base course of asphalt that will require a year to settle after which a second course will be laid. The houses will be built in clusters due to the efficiency of having the trades on site.

Ms. Wendy Murphy, resident, believes that even though 80 towns have identified aquifers, it is still important to make sure that the proposed houses are not being built on top of a potentially very important aquifer.

Ms. Joanne Wasti, resident, asked what was the contingency plan for not being able to sell the houses.

Ms. Dorothy Yewer, resident, clarified that what was said was that the houses would be clustered on 7 acres and they understand that the lot is just under 13 acres. She reiterated that the Commission has to clarify whether or not the regulation gives them the ability to increase the amount of conservation area. By increasing the amount of conservation area might provide a win-win situation which is what everyone is looking for.

Mr. Winter said that the public hearing will likely remain open in order to obtain some additional from the applicant.

Mr. Weingarten said that he would like to press Mr. Szymanski on a couple of issues i.e., flipping the development to the back. This would provide 5 acres to the front further protecting the structures from view of Route 7. Mr. Szymanski said that he would put together a conceptual layout showing what would happen if the development were to be built in the back of the property.

Mr. Wyrick asked Mr. Szymanski to verify that it will be totally built out before the sale? He asked if there was going to be a certificate of zoning compliance prior to the sale of these lots? Mr. Szymanski said that they will be building the infrastructure and will be looking for certificates of zoning compliance for each individual lot just like other subdivisions. He continued that they plan on building each and every unit.

Ms. McAndrew asked if it was normal for the association to take care of the drainage basins. Mr. Szymanski said that it was not normal. Usually, the Town takes care of the mowing along side of the roadway; they are doing that. The town usually takes care of cleaning out the catch basins; they are doing that. The town usually takes care of the stormwater infiltration basins; they are doing that. Ms. McAndrew asked why. Mr. Szymanski replied that the developers did not want to pass that expense on to the Town. Ms. McAndrew asked why they don't make it a private road. She asked who would be responsible if the road needed to be torn up? Would the Town be responsible for that? Mr. Szymanski answered that he had not properly explained the process of maintaining the drainage, which was done. He continued that the DPW would inspect the construction of the drainage system and would be signed off by them. This would ensure that the installation was done to Town standard with no failures over time. She had one more question about the Community House; what will it be used for? Mr. Baccon said that in order to create smaller houses, they centralized the amenities and overflow spaces in the community barn. This will eliminate the need to have a giant dining room in the house; celebrations would be held at the barn. No offices in the house will enable residents to participate in zoom meetings at the barn. Then there is the possibility of community gatherings/dinners.

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Ms. Casey stated that this has been a terrific meeting with good feedback. As a commission member, they have to be careful with this sensitive piece of property. Her opinion is that there are too many homes and too much going on on this 12-acre parcel. She recommended that the Commission be very, very careful before making a decision. This will make a huge impact on the Town and there needs to be a better, balanced solution. She has asked if less houses could be built and received no answer. She asked if the barn could be moved and received no answer. She stated that she does not understand why the Town has to be responsible for the roadway when that does not occur in any other association that she is aware of. Ms. Casey said that she agrees with Ms. Murphy and wonders if even the engineer knows what is going on under the ground. She ended by saying that there is too much going on, doesn't match the character of the Town and that there should be less houses.

Mr. Winter asked Ms. Casey if she was in agreement with the Yewer's interpretation of the regulation and the Commission's ability to request more open space. Ms. Casey said that she is not saying that, she believes that the Commission has to take into consideration the character of the Town. She thinks that the Commission needs to be careful about what is being agreed to. On a side note, she agrees with Mr. Spelbos with regard to notification.

Mr. Cherniske stated that this is illustrative of a beautiful piece of land that is taken for granted and when it's purchased and developed, it's too late. He believes that the Town has to be more proactive when it comes to preserving areas like this. Mr. Cherniske continued that this is the VR-2 zone which is meant to be a higher density of development. Per the zoning map/district map this was always envisioned to be the expansion point of the Town. There was plenty of opportunity for people to personally purchase this piece and preserve it as open space but that didn't happen. He believes that the piece should be used for the purpose that was designed; a development of the land in a sensitive manner. Based on the district map, Mr. Cherniske is not surprised that it's being developed but is glad that it is going into a conservation development instead of a normal development. Once it is sold, it is not the public's right to have an open field up there. He thinks that some of the powers the public wants to bestow on the Commission in terms of preserving what is there is too late. The property has been purchased and the people who own it have a certain set of parameters in which to develop the property and it would be hard to say that it's wrong if they develop it within those parameters.

Mr. Birnbaum dovetailed off of what Mr. Cherniske said by saying that this is the northern most piece of the village center. If they didn't want this density at this location, then that should have been taken into consideration when the district map was created. This is the intent of this property even though people wish it is not right.

Ms. Hicks said the Commission has gotten a lot of really good information; looking back doesn't serve most purposes. She believes that the Commission has a lot to ponder and that they should not do that hastily.

Mr. Weingarten said that there have been several comments about how long this will take. He does not think the answer was sufficient and used the length of time it has taken for construction of the Morrison Gallery as an example. Mr. Weingarten would like to explore whether or not a time limit can be placed on the permit.

Mr. Winter agreed with Mr. Birnbaum with regard to the property designation as VR-2; he thinks that the Town in the last POCD rewrite strongly suggested and urged the development of a land acquisition fund and that the Commission, as far as he is concerned, is squarely behind that idea. He believes that the KLT and the POCD and most of the thinking in the Town, based on tonight's comments, is to keep Kent rural and maintain open space; he agrees with Mr. Cherniske that keeping open space has to be done within the regulations. There are two suggestions for the Commission: 1) they must be absolutely clear, with input from Attorney Zizka, about what the Commission's obligations are as a Commission to the regulations. Ms. Hicks asked if that means a definition of what is an acceptance and what is a denial. Mr. Winter replied that is question is: can we, as a Commission, act completely in a subjective manner? Can the Commission place their subjective opinion regarding an application in front of what the regulations allow and disallow.

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Mr. Winter would also like Ms. Hayes to ask Planner Glenn Chalder to look at §3100.10.b and tell us whether he agrees with the Yewer's interpretation that the Commission can go either way; ask for more or less than 40%. He also is asking for the following information from the applicant: 1) some kind of timeline and a phasing plan at least, if in fact, as Mr. Weingarten said and Mr. Szymanski confirmed, that he was looking for a staged Certificate of Zoning Compliance; 2) the Commission should consider requesting a bond from the applicant in the event the applicant runs into some sort of problem which would prevent them from finishing; 3) that Mr. Szymanski provide clarification that the road and the drainage of the entire structure/system would be deeded to the town and the applicant is just taking over the day-to-day maintenance. Mr. Winter would also like affirmation from the Kent Volunteer Fire Department; affirmation from Mr. Osborne of the Highway Department; affirmation from the Sewer Commission; affirmation from the comments from the Town engineer. Mr. Szymanski added that the Commission would also want affirmation from the State DOT; Mr. Winter added that to the list. Ms. Hayes advised the Commission that she had received the review letter from the Town Engineer and would make sure that it would be passed on to Mr. Szymanski. Ms. McAndrew said that some of the residents would like to know the cost of the units which has not been answered. Ms. Hicks asked that the affordable housing request be kept on the agenda. Mr. Winter agreed and said that he did not want to overlook and would like to discuss that later in the agenda under the discussion for the POCD.

Ms. Potts, Chairman of the WPCA, stated that they only just received the information for this request today and they have not signed off on the request.

Mr. Winter reviewed the time line that Ms. Hayes prepared which defined the closure of the public hearing at the October 14<sup>th</sup> meeting; and the decision to be made no later than the December meeting.

*Mr. Weingarten moved to continue the public hearing to the October 14<sup>th</sup> meeting. Mr. Manes seconded and the motion carried unanimously.*

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

No action taken.

## **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**

*Mr. Manes moved to agenda item 6.B.5. before 6.B.2. Mr. Wyrick seconded and the motion carried unanimously.*

### **6.B.1. Application #77-21C, Sam Sabin for James Lilly and Lily Thom, 29 Brown Road, Map 11 Block 40 Lot 24, construction of inground pool in HorizonLine Conservation District.**

Mr. Manes began the discussion by letting the Commission know that he had driven around the area multiple times, and using binoculars, could only find one very small spot where the area of the house could be seen. He continued by saying that it was difficult to see, if at all. Ms. Casey agreed and commented that the house is invisible and located in a very hidden spot.

With no further questions, the following motions were made:

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*Mr. Manes moved to approve waivers to requirements 7, 9, 10, 11, 12, and 13. Mr. Cherniske seconded and the motion carried unanimously.*

*Mr. Manes moved to approve Application #77-21C, Sam Sabin for James Lilly and Lily Thom, 29 Brown Road, Map 11 Block 40 Lot 24, construction of inground pool in HorizonLine Conservation District. Mr. Weingarten seconded and the motion carried unanimously.*

#### **6.B.2. Clarification on the role and responsibility of the Architectural Review Board.**

Mr. Winter explained that the meeting to discuss the fact that the ARB did not have proper information/guidance to make decisions was originally scheduled with the ARB was cancelled since they could not get a quorum and the Chairman of the ARB preferred to meet in person. With the proposed new conservation subdivision, the ARB will have to review each plan as it comes forward. The questions posed by Mr. Winter was whether or not the guidelines were defined enough for the ARB to complete their task; should the Commission hire someone to define the parameters of their current guidelines; or, hire a consultant to take over that responsibility. Mr. Winter referred the Commission to §5100 and the document created by Mr. Baker. Mr. Manes asked for some time to review the guidelines.

It was decided that Ms. Hayes add this to the October 5<sup>th</sup> ARB agenda. Mr. Wyrick said that he would also like to attend. Both Mr. Wyrick and Mr. Winter will report back to the Commission at the October 14<sup>th</sup> meeting.

#### **6.B.3. Clarification on the baseline of operations and aspirations of Club Getaway.**

Mr. Winter explained that the Commission had asked Mr. Schreiber to attend tonight's meeting in order to begin the dialog necessary to create a regulation that would better reflect exactly what Club Getaway was currently doing. Mr. Winter told the Commission that he would like to discuss whether or not the Commission wanted to create a new regulation incorporating what the Club is currently doing or keep the Club pre-existing non-conforming by creating a document with just the baseline. Ms. Hayes added that since the rewrite of the regulations, the definition of "club", which was what Club Getaway was operating under, had been removed from the regulations and now Club Getaway was operating as pre-existing, non-conforming. Ms. Hayes said that it is not the role of P&Z to create non-conformities and recommended creating a regulation using the current baseline that Mr. Schreiber presented. The only information in the file with regard to what they actually do, was a baseline created back in 1983. She continued that Mr. Schreiber had created an outline of their current activities which was included in the public meeting folder.

Mr. Schreiber began by explaining the document he created and highlighted some of the continuing programs such as the youth program and the adult weekends. Mr. Winter asked if the high-level document that was created explains what they are currently operating under. Mr. Schreiber said that it does and that there is no "wish list". He explained that during 2020, he did rent out some of his cabins on AirBnB in order to fill in for the revenue lost during COVID which is the only difference and continued that they would not be doing that now. Mr. Manes asked for a better explanation of who the clientele are and how they stay there. This information would be integral to the creation of the regulation.

Mr. Schreiber's said that the youth program is their bread and butter. Some schools come for graduation and they have contracted with NYC Dept of Ed and several other school districts in CT and NJ to either spend the day or spend the night; the cost is based on meals. Pre-Covid, there could be as many as 600-800 kids per day on the property. During July and August, the youth program would consist of over-night programs. The Club takes care of the activities, meals and entertainment but does not act in the capacity of camp counselors. The youth program in the fall consists of education and team building/bonding, freshman orientation, senior orientation and peer leadership.

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#### **TOWN OF KENT PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES FOR SEPTEMBER 9, 2021**

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.

Mr. Schreiber continued that they also offer family camps Monday – Friday which is part of the retail program. He likened this part to a cruise ship which includes all activities with meals. The retail will consist of a family camp Monday – Friday. Camp Getaway for Adults will run 13 to 15 weekends/per year where there will be between 200- 320 guests on property from Friday at 5:30 p.m. and until Sunday at 4:00 p.m. The guests will participate in all adventure activities, they do sell alcohol and will have entertainment which consists of a dj/band. The Club also provides day trips where the guests can take advantage of the activities and one meal. This can coincide with the family camp or adult camp.

The White Label Partner program is a program that can be taken across the country. An example of this would be Camp John Waters. Mr. Schreiber is partnering with Mr. Waters and they are taking this program across the country. This is being done with several other programs. The revenue is generated by registration and sponsorship.

A private event is where Club Getaway is contracted with someone and they are paying him directly i.e., wedding, corporate event or Camp Ivy. In some cases, a private event is also part of the white label partner program.

When asked about the upcoming Gilmore Girls, Mr. Schreiber said that previously they were acting only as a hotel. In the past, they offered no vested interest and were the preferred lodging. The Gilmore Girls sponsor paid an 8% commission. With the 2021 Gilmore Girls Festival, Club Getaway is hosting the Gilmore Girls and the rooms are sold and the promoter is paying him to use the property with a discount. When asked if the Club would be advertising the event, Mr. Schreiber replied that they are not because they are already booked. Ms. Hayes asked if this would be a special event. Mr. Schreiber stated that he would like that defined better as it is very confusing. Mr. Winter feels that as a Commission, they were not sure what was being done on a regular basis and the festival that was held about a month ago did not fall into anything explained as the regular operation. Mr. Winter asked if that festival would be considered a private event, a private white label camp. Mr. Schreiber said that the festival would have been a private event. All revenue was generated from the festival organizer. It would never have fallen under the normal use because he would not have normally sold anything like that now. Mr. Winter commented that anything that would not fall under what they would normally do should be considered a special event. Mr. Schreiber said that was a fair assumption. Mr. Winter stated that in addition to the information that Mr. Schreiber submitted, providing the hours of operation, how long music is played on Friday and Saturday and where is that music played should be something that is provided. The biggest concern is the noise. Some modification of this can be used as the baseline with some rules of operation. The Commission would never allow a business to operate until 3:00 a.m.

Mr. Birnbaum asked Mr. Schreiber is there was any difference between the festival and a raucous wedding. Mr. Schreiber replied that he did not have an answer. His wedding contract states that music needs to end at 11:30 p.m. and if the guest goes over that time, there is an additional charge of \$500 for every 15 minutes. He continued that they do operate a night club until 2:00 a.m. They do get some noise complaints and will turn down the volume if it is too loud.

Mr. Birnbaum asked if they sell and serve alcohol. Mr. Schreiber said that they do both as they have a café liquor license. They do not sell retail; they sell per drink. Mr. Manes said that the state considers them a resort. Mr. Schreiber said that was correct and they pay sales tax on that classification.

Mr. Manes asked if other towns have a definition of “resort” that could be fine tuned and used by this Commission. Ms. Hayes said that there was a definition of “resort” but that was removed in 2005 and the definition of “club” was added and that’s what was in the regulations until the recent rewrite. Mr. Winter said that he does not consider them a “club” based on what Ms. Hayes read. Mr. Schreiber explained that the previous

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TOWN OF KENT PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES FOR SEPTEMBER 9, 2021

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owner had a program that was similar to Club Med. The reservation contained a \$5 “club fee” that once paid made you a “member” of the club. When Mr. Schreiber bought the property, he did not continue that program.

When asked about leaving the designation of “camp”, Mr. Schreiber replied that they are not considered a “camp” by the State and does not anticipate attaining that in the future. Ms. Hayes read the definition of “resort” which includes the statement that it does not apply to persons over the age of 18. It was suggested that a part of the definition be included eliminating the comment about “persons over the age of 18”. Mr. Winter said that it seems the Commission was on board with making it a permitted use via special permit. He said that the noise complaints would be a large discussion based on the past festival.

Mr. Winter said that he would like to come up with this new regulation and feels that the Commission has the time since the Club shuts down on October 31<sup>st</sup> and does not reopen until the end of May, 2022. During this time, Mr. Schreiber can continue working under his current plan and the Commission will spend the down time working with Mr. Schreiber to come up with a new definition/regulation. Mr. Schreiber asked if the Commission wanted the submission to be expanded. He also said that he would be willing to work with the Commission to come up with a definition that would give him the knowledge of when he needs to come to them with a use that might not fit into the agreed definition.

Mr. Schreiber explained that his aspirations were to build a structure that could provide a safe area during a storm especially since the area has experienced a couple of hurricanes/severe storms.

Mr. Winter said that the Commission could look at the old definition and put it back in and then just have a special permitted use. After that, Mr. Schreiber would come in and apply and conditions of approval would be assigned. Mr. Birnbaum said that when they created the brewery use, the Commission added the requirements under the special permitted use area. Ms. Hayes agreed and said that it could be done either way. She does not think that Mr. Schreiber should be responsible for creating the definition and hiring an attorney since this was something that was being driven by her and that she would be willing to work with Mr. Schreiber. Mr. Winter added that the Commission would ask Mr. Chalder for his opinion of the definition that is created. Mr. Manes said that he thought the use was grandfathered. Ms. Hayes disagreed stating that if you look at the baseline that was created it is not representative of what is going on now and that the use has evolved with the times.

It was decided that Ms. Hayes work with Mr. Schreiber to craft a definition of “resort” and report back to the Commission.

Ms. Hicks asked what happens if the property is sold. Ms. Hayes said that the special permit would be filed on the land records and if the new owner wanted to change anything, they would have to come before the Commission for a modification. Mr. Winter reminded the Commission that they will also have to come up with a definition for “convalescent home” which was removed.

#### **6.B.4. Responsible and Equitable Regulation of Adult-Use Cannabis Act (“RERACA”).**

Ms. Hayes stated that the Commission needs to make a decision regarding the new legislation allowing the sale and adult use of cannabis and her proposal was a change to the definition of “retail”. She sent her proposal to Attorney Zizka and he agreed that would be a good way to handle this new legislation until the Commission has an opportunity to decide exactly how they would like to handle it.

It was decided that Ms. Hayes schedule a public hearing for the change to the regulation as soon as possible.

*Mr. Manes moved to have Ms. Hayes schedule a public hearing. Mr. Wyrick seconded and the motion carried unanimously.*

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#### **TOWN OF KENT PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES FOR SEPTEMBER 9, 2021**

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**6.B.5. Application #90-21C, Dobson Pools for Steven Lowy and Marina Belica, 118 Anderson Road, Map 17 Block 32 Lot 10, construction of inground pool in HorizonLine Conservation District.**

Mr. Lowy, property owner, was present to address the Commission. He explained that the location of the pool was specifically chosen to be far enough from the wetlands and on relatively high ground. The trees that are being removed are either dead or dying. The pool itself is behind the house and cannot be seen from Anderson Road. Mr. Manes agreed since he is familiar with the property. Mr. Lowy continued that the pool is not only not visible from the roadway, but it is not visible from the house either. He described the pool as a “destination pool” so that it will not be a “blight” to the owners when the pool is covered during the off season. There will be a pathway from the house to the pool with low voltage, downward facing pathway lighting. When asked if the path would be formal, Mr. Lowy replied that they would probably be installing stepping stones so that the area would remain easy to mow.

Ms. Hicks asked how many trees were being cut down and Mr. Lowy replied that there will be a total of 28 trees between 6” and 12” in diameter. They have already taken down 10 dead trees and the rest to be removed would be choke cherry or diseased pines.

With no further questions or comments, the following motions were made:

*Mr. Manes moved to accept waivers to requirements 2, 3, 6, 7, 8, 9, 10, 11 and 13. Mr. Wyrick seconded and the motion carried unanimously.*

*Mr. Manes moved to approve Application #90-21C, Dobson Pools for Steven Lowy and Marina Belica, 118 Anderson Road, Map 17 Block 32 Lot 10, construction of inground pool in HorizonLine Conservation District. Mr. Weingarten seconded and the motion carried unanimously.*

**7. STAFF REPORT:**

**7.A.**

No action taken.

**8. REPORT OF OFFICERS AND COMMITTEES:**

**8.A. POCD Subcommittee**

Mr. Winter reported that the survey had been sent out and currently there are approximately 346 responses to date. Ms. Hayes reported that Mr. Chalder updates the totals on a daily basis. She advised the Commission that hard copies had been given to the Library and Town Hall and that Templeton Farms printed out enough for their residents. Hand written surveys will be input by Ms. Hayes. An article was in the Waterbury-Republican and articles were expected in the Spectrum, the Lakeville Journal and possibly the Danbury Times. It was reported that Mr. Chalder had scheduled meetings with Ms. Connie Manes, Chairman of the Conservation Commission and Ms. Lynn Werner, HVA and Chairman of Inland Wetlands.

Mr. Winter stated that he would like to ensure that proper weighting regarding Affordable Housing would be included in the POCD and asked that Mr. Chalder reach out to the Affordable Housing organization, specifically one of the three that submitted the most current letter regarding the conservation subdivision. Ms. Hayes commented that the Board of Selectmen had submitted a grant request in order to hire a consultant to create the

Affordable Housing Plan but was still waiting to hear if the grant had been awarded or not; therefore, there is no consultant currently working on the Plan.

Mr. Winter said that he would like more information from Kent Affordable Housing regarding the loss of potentially 6 affordable units in the Kent Green. He believes that if P&Z is to be the gatekeeper, KAH should provide some sort of input as a partner. He reiterated that P&Z has always been a supporter of KAH.

#### **9. OTHER COMMUNICATIONS AND CORRESPONDENCE:**

**9.A.** Administrative Permits and Certificates of Compliance: August 9<sup>th</sup> – September 3, 2021.

No action taken.

**9.B.** *Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter*, Summer 2021.

Ms. Hayes explained that this quarterly newsletter was especially important because it outlines all the recent legislative changes that occurred during the summer. Mr. Winter asked Ms. Hayes to provide a list of those items that will require action, i.e., new legislation to opt out of and additional changes to the regulations with regard to outdoor restaurant seating.

**9.C.** Advisement of public hearing on September 2, 2021, regarding the proposed pavement rehabilitation of Bulls Bridge Road.

Ms. Hayes reported that as part of the State's grant, notification had to be made to the P&Z Commission. She explained the timing of the rehabilitation and the fact that no zoning permits were required.

**9.D.** 2020 Annual Monitoring Report, Natural Resource Management Plan, Bull's Bridge Golf Club, by WSP dated August 2021.

Mr. Winter asked that this be left on the agenda so that he could have time to carefully review the information provided.

**10. EXECUTIVE SESSION: Pending Litigation: High Watch Recovery Center, Inc. v Town of Kent Planning and Zoning Commission in Superior Court, Judicial District of Litchfield at Torrington dated November 27, 2020. Discussion of strategy and negotiations with legal counsel.**

The Commission did not go into Executive Session; Ms. Hayes reported that briefs had been filed.

**11. EXECUTIVE SESSION: Pending Litigation: The Roberti Family, LLC v Town of Kent, Connecticut and Planning & Zoning Commission of the Town of Kent, Connecticut in the United States District Court for the District of Connecticut filed April 24, 2020. Discussion of strategy and negotiations with legal counsel.**

The Commission did not go into Executive Session.

**12. Open session involving discussion and possible action on Pending Litigation: High Watch Recovery Center, Inc. v Town of Kent Planning and Zoning Commission in Superior Court, Judicial District of Litchfield at Torrington dated November 27, 2020.**

No action taken.

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TOWN OF KENT PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES FOR SEPTEMBER 9, 2021

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.

13. Open session involving discussion and possible action on Pending Litigation: The Roberti Family, LLC v Town of Kent, Connecticut and Planning & Zoning Commission of the Town of Kent, Connecticut in the United States District Court for the District of Connecticut filed April 24, 2020.

No action taken.

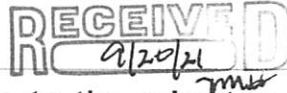
**ADJOURNMENT**

*Mr. Manes moved to adjourn at 10:59 p.m. Mr. Cherniske seconded and the motion carried unanimously.*

Respectfully submitted,

*Donna M. Hayes*

Donna M. Hayes, CZEO  
Land Use Administrator



Donna Hayes &lt;landuseadmin@townofkentct.org&gt;

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**Your requested changes to the minutes**

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Anne McAndrew <anniemac322@gmail.com>  
To: Donna Hayes <landuseadmin@townofkentct.org>  
Cc: Matthew Winter <MAWinter06757@gmail.com>

Sun, Sep 19, 2021 at 3:24 PM

Good afternoon all

Thanks for the nudge, Donna, my to-do list gets out of control sometimes and I appreciate the reminder.

My submission:

I want to amend the minutes to reflect that my inquiry about using the community barn for public events was based on the fact that I didn't see any accommodations for parking, and not because I was afraid that it would compete with local galleries, as was insinuated in the minutes. The site plan leaves many questions and parking is just one of them. I don't understand how the community center would be effective for anything, not a bridal shower, not a PTO meeting, not anything, because there is no place to park. Period. This renders the community barn nearly useless.

Thanks again.

Respectfully submitted

Annie McAndrew

[Quoted text hidden]



AGENDA ITEM 5.A.1

Donna Hayes &lt;landuseadmin@townofkentct.org&gt;

**NORTH MAIN STREET, LLC APPLICATION**

1 message

**Sonia Amador** <sonamador@gmail.com>  
To: landuse@townofkentct.org

Tue, Aug 17, 2021 at 12:55 AM

To whom it may concern,

I'm writing this email to advise that I oppose the plan to build a large subdivision of houses on 12 acres of land opposite Cobble Lane on Route 7 that will sit on Ken't Northern gateway.

The construction of 14 new structures is too many for this particular site and thus will not be a good fit for a small rural hometown such as Kent.

Therefore, I ask that the planning and zoning commission vote NO to the proposal for the North Main Street, LLC application that has recently been submitted.

I also kindly ask that you please advise if there is any other information you need from me to process my formal vote on the matter.

Lastly, if you have any questions for me, please do not hesitate to reach me at the number below and I thank you in advance.

Regards,

Sonia Amador  
Kent Resident  
203-501-9239



5.A.1



Donna Hayes &lt;landuseadmin@townofkentct.org&gt;

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**Vote NO on N. main st development construction.**

1 message

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**Ryo Brown-McClain** <ryobrownmcclain@gmail.com>

Fri, Aug 20, 2021 at 10:32 AM

To: landuseadmin@townofkentct.org

I am writing this letter because I am distraught by the idea of 14 buildings being built in the 12 acres field on North Main Street in Kent. I want to encourage the planning and zoning committee to vote NO on the application of construction of North Main Street, LLC on September 9th.

I have grown up in Kent and all life when I enter Kent from the North or South I am greeted back home by both spacious fields on either side of town. The fields South of are town are protected, and the view of mt Algo across the fields is a landmark image of Kent. I always assumed the 12 acre field North of town was protected as well, as it holds the same landmark value. Now that I have learned of the 14 building development in that north field of Kent I am outraged. Why couldn't the development be designed for the lower meadow, or somewhere else? It would then be out of sight, and not right in the middle of the most picturesque field in Kent? How could Kent have a 12 acre lot open area zoned for 14 houses or more?!!

The fields are a corridor and habitat to many native plants and animals, and should remain undisturbed. The field is ecological corridor that has been the same for centuries other than farmland. I have observed boblinks, field sparrows, bluebirds, and many species of birds of prey in the fields. The herds of deer use those fields to bed down safely at night. A den or red foxes live in abandoned gopher holes that I observe regularly. There are many native bluestem grasses and asters in the edges of the meadow that provide for the polinators.

Please, I am begging you to do everything you can to prevent this development from being constructed. At what point will Kent loose it's rural feeling?

Ryo Brown-McClain

S.A.I.



Donna Hayes &lt;landuseadmin@townofkentct.org&gt;

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**proposed development**

1 message

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**Paula Josa Jones** <pjj@paulajosajones.org>

Fri, Aug 20, 2021 at 4:52 PM

To: landuseadmin@townofkentct.org

Dear Ms. Hayes,

Please vote NO on the proposal for the North Main Street, LLC application. Such a development would really spoil the beautiful historic rural feel of this part of Kent.

Thank you.

Paula Josa-Jones  
Flanders Lane  
Kent, CT

**Paula Josa-Jones, CMA, RSMET, SEP, TTEAM**

CLMA: Certified Laban Movement Analyst

RSMET: Registered Somatic Movement Educator/Therapist

SEP: Somatic Experiencing© Practitioner

TTEAM: Tellington Equine Awareness Practitioner

artistic director, choreographer

**Paula Josa-Jones/Performance Works**

P.O. Box 707, Kent, CT 06757

860-592-0005 (land)

508-627-1752 (mobile)

**pjj@paulajosajones.org**

**www.paulajosajones.org**

S.A.1



Donna Hayes <landuseadmin@townofkentct.org>

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## Kent

1 message

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**Sally Zunino** <sallyzunino@gmail.com>

Sat, Aug 21, 2021 at 5:10 PM

To: landuseadmin@townofkentct.org

It would be a big mistake for Kent to have a major development north of town on Route 7. It will destroy the rural character of Kent.

Please stop this project.

Thanks, Sally Zunino

Sent from my iPhone

5.A.1



Donna Hayes <landuseadmin@townofkentct.org>

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## NO to North Main Street, llc application!

1 message

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**Christy Quatannens** <cquatannensg@gmail.com>

Mon, Aug 23, 2021 at 8:15 AM

To: landuseadmin@townofkentct.org

PLEASE vote NO to North Main Street Llc. Application!

Thank you,  
Kent resident.

Sent from my iPhone

5.A.1



Donna Hayes <landuseadmin@townofkentct.org>

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## Please NO North Main Street, Llc application

1 message

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**CHRISTY** <dcgrgecic@msn.com>

Mon, Aug 23, 2021 at 8:20 AM

To: "landuseadmin@townofkentct.org" <landuseadmin@townofkentct.org>

PLEASE VOTE NO to North Main Street, Llc application!

Thank you,  
Kent Resident

Sent from my iPhone

5.A.1



Donna Hayes &lt;landuseadmin@townofkentct.org&gt;

---

**North Main Street LLC application**

1 message

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**Pj Shurick** <pshurick@yahoo.com>  
To: landuseadmin@townofkentct.org

Mon, Aug 23, 2021 at 10:51 AM

(Please forward to members of the Planning and Zoning Commission)

To all members of the Planning and Zoning Commission:

I have reviewed the information regarding the proposed development of 12 acres of open space on Route 7 north of Kent, I do not support this proposal. As a 37 year Kent resident located within a 1/2 mile of the property proposed for development, I believe 14 structures on 12 acres is too dense. I support thoughtful development in our town and have seen many positive changes over the years. I welcome the many newcomers that have chosen to move to Kent over the past year. The town feels vibrant again. However, less than an acre per dwelling on this property is too much when a short distance away 4 acres per dwelling is the minimum. Dare I request 5 dwellings on my 5 acres? The negative impact on the feel and view approaching Kent from the north is hardly in keeping with the look and feel long supported by your commission. Traffic, impact on town services, on wildlife, environment etc. are significant considerations also. While development is inevitable, it does not need to be this dense. Will a Dunkin' Donuts follow disguised by attractive signage? I urge you to consider the precedent of this decision and the lasting impact on our community.

Best Regards,

Priscilla Shurick  
22 Flanders Lane

Sent from Yahoo Mail for iPad



Donna Hayes &lt;landuseadmin@townofkentct.org&gt;

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**Fwd: Town Clerk****Darlene Brady** <townclerk@townofkentct.org>

Thu, Sep 2, 2021 at 2:57 PM

To: Donna Hayes &lt;landuseadmin@townofkentct.org&gt;, sbwurtzel@gmail.com

Mr Wurtzel

Forwarding your email to Donna Hayes.

Thank you

**Darlene F. Brady**  
**Kent Town Clerk**  
**PO Box 843**  
**Kent, CT. 06757**  
**o/ 860.927.3433**  
**www.townofkentct.org**

----- Forwarded message -----

From: **Stuart Wurtzel via Kent CT** <cmsmailer@civicplus.com>

Date: Thu, Sep 2, 2021 at 2:45 PM

Subject: Town Clerk

To: dbrady &lt;townclerk@townofkentct.org&gt;

Submitted on Thursday, September 2, 2021 - 2:45pm

Submitted values are:

Departments: Town Clerk

Message:

This is for Donna Hayes to be asked at the Zoning Commission hearing on September 9, 2021

Regarding the North Main Street, LLC application. I realize there is probably very little control of what happens to that beautiful open north entry to town but a couple of questions. The LLC has reduced the number of buildings from an allowed 19 to 14, is there anything to prevent them from adding the additional 5 buildings at a later date? Is there a construction calendar so when they start we are not looking at 5 years of construction ? Does the community center have room for car parking if there is a large gathering, i.e. a wedding, engagement party or large birthday gathering? My real wish would be that the whole complex could be moved deeper into the open space making it less visible from the road.

My Thanks, Stuart Wurtzel, resident of Kent

==Please provide the following information==

Your Name: Stuart Wurtzel

Your E-mail Address: sbwurtzel@gmail.com

Organization:

Phone Number: 917 862 2521

==Address==

Street: 115 Kent Cornwall Road, PO Box 477

City: Kent

State: Connecticut

Zipcode: 06757



AGENDA ITEM 5.A.1

Donna Hayes &lt;landuseadmin@townofkentct.org&gt;

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**Land Use**

1 message

**George-Ann Gowan via Kent CT** <cmsmailer@civicplus.com>

Thu, Sep 2, 2021 at 10:46 PM

Reply-To: George-Ann Gowan &lt;gagowan@mac.com&gt;

To: dhayes &lt;landuseadmin@townofkentct.org&gt;

Submitted on Thursday, September 2, 2021 - 10:46pm

Submitted values are:

Departments: Land Use

Message:

Donna Hayes, Land Use Administrator

Kent Planning &amp; Zoning Commission

41 Kent Green Boulevard

Post Office Box 678

Kent, Connecticut 06757

To the Planning and Zoning Commissioners:

Every day on my way to walk Cobble Road I pass by and admire the beautiful parcel of property proposed to be subdivided and developed. It is also lovely to be greeted by this serene vista every time I return home after venturing north on Rt. 7.

As a resident of Kent I am deeply concerned about the proposal for a subdivision of 13 homes plus two communal structures on a 12 acre lot on North Main Street. This development will ruin the character of Kent's Northern gateway and completely obstruct the view of the existing meadow. I urge you to vote NO on this proposal and maintain the rural character of Kent.

Would you please make this letter part of the record for the Planning and Zoning Commission meeting on September 9, 2021.

Thank you,

George-Ann Gowan

==Please provide the following information==

Your Name: George-Ann Gowan

Your E-mail Address: gagowan@mac.com

Organization:

Phone Number: (860) 946-9232

==Address==

Street: 89B North Main St.

City: Kent

State: Connecticut

Zipcode: 06757





AGENDA ITEM 5.A.1

Donna Hayes &lt;landuseadmin@townofkentct.org&gt;

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**Objection to proposed subdivision**

1 message

---

**George-Ann Gowan** <gagowan@me.com>

Thu, Sep 2, 2021 at 10:48 PM

To: Landuseadmin@townofkentct.org

Cc: connie@manes-consulting.com

Donna Hayes, Land Use Administrator  
Kent Planning & Zoning Commission  
41 Kent Green Boulevard  
Post Office Box 678  
Kent, Connecticut 06757

To the Planning and Zoning Commissioners:

Every day on my way to walk Cobble Road I pass by and admire the beautiful parcel of property proposed to be subdivided and developed. It is also lovely to be greeted by this serene vista every time I return home after venturing north on Rt. 7.

As a resident of Kent I am deeply concerned about the proposal for a subdivision of 13 homes plus two communal structures on a 12 acre lot on North Main Street. This development will ruin the character of Kent's Northern gateway and completely obstruct the view of the existing meadow. I urge you to vote NO on this proposal and maintain the rural character of Kent.

Would you please make this letter part of the record for the Planning and Zoning Commission meeting on September 9, 2021.

Thank you,

George-Ann Gowan

9/7/2021

Town of Kent CT Mail - Letter RE September 9, 2021 P&Z Meeting



AGENDA ITEM 5.A.1

Donna Hayes <landuseadmin@townofkentct.org>

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## Letter RE September 9, 2021 P&Z Meeting

1 message

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**Justin Potter** <jbpotter@gmail.com>

Fri, Sep 3, 2021 at 10:17 AM

To: landuseadmin@townofkentct.org, landuse@townofkentct.org

Hello,

Attached is a letter regarding items on the agenda for the September 9, 2021 Planning and Zoning Commission Meeting. Please confirm it has been received. Thanks!

Justin



**Letter RE September 9 Meeting.pdf**

307K

5.A.1

Justin Potter  
10 Cobble Road  
Kent, CT 06757

September 3, 2021

Kent Planning and Zoning Commission  
41 Kent Green Blvd.  
Kent, CT 06757  
landuseadmin@townofkentct.org

Dear Planning and Zoning Commission:

I'm writing regarding two items on the agenda for the September 9, 2021 meeting.

### **3.A. Minutes of the August 12, 2021 Meeting**

Starting at about 1:12:35 in the August 12, 2021 meeting recording, Mr. Winter asked the Commission whether they would support adding two more lots to the North Main proposal for affordable housing. In response, not a single commissioner voiced support. This is a significant question from the Chair, and a significant response from the Commission, regarding an obligation the Commission has under Section 8.2 of the zoning enabling act, specifically to *"promote housing choice and economic diversity in housing, including housing for both low and moderate income households."* It seems it should be included in the minutes. Note that this obligation under the zoning enabling act is conspicuously omitted from the Kent Zoning Regulations.

The minutes incorrectly state *"Mr. Potter said that the Commission had given the developer what they wanted by creating the new regulation and in return the developer should provide 2 affordable homes."* Instead, what I said was that the Commission should allow the developer to partner with Kent Affordable Housing to include two more homes. Obligating the developer to provide affordable homes is an entirely different matter from what I suggested. I respectfully request that the minutes be corrected accordingly.

The fact that the proposal does not include affordable homes is due solely to the actions of the Commission, not the developer. The Commission's unanimous rejection of the request of Kent Affordable Housing made it clear that the Commission would not let the developer include two affordable homes, beyond the 13 market rate ones, even if they wanted to.

### **5.A. North Main Proposal**

I'd like to reiterate my support for the North Main proposal, which is within walking distance of the town center, on public water and sewer, and within the Village Residential district, where, according to Kent's zoning regulations *"The purpose... is to provide for residential and other*

*uses appropriate for a New England village setting...*" While the parcel is currently an attractive meadow, not only is it immediately adjacent to the town center to the south, just to the north is the dense Kent Furnace neighborhood, with numerous houses on small lots.

As someone who greatly values Kent's large tracts of open space, I'd much rather see new homes tightly clustered on small lots near the village center, rather than sprawled out as-of-right across large lots in the more rural areas of town, on much more ecologically significant open space, like what we see along many of Kent's roads and lanes. In addition to helping to preserve higher quality open space in more rural parts of town, the carbon footprint of residents in the North Main development is likely to be lower given they'll be able to walk or take a very short drive to town. The potential impact on water quality and other environmental factors is likely to be lower as well.

The 13 buyers of the new homes will be 13 fewer buyers further driving up costs of existing housing. It is a very significant number of homes for the Kent market. According to SmartMLS data on a mailing from a local real estate brokerage (attached), in July 2021, there were only 6 new listings in Kent, and there were only a total of 19 homes on the market, an inventory drop of 47.2% from July 2020. During the same period, the median sales price for single family homes in Kent has risen from \$435,000 to \$645,000, an increase of 48.3%. While this may be great for real estate agents, and the net worth of the commissioners, myself, and anyone else who bought before the pandemic, it is bad for anyone seeking housing in Kent, especially teachers, tradespeople, and others who have to compete with New Yorkers making multiple six figures or more for housing. And it isn't good for the Town of Kent and its future either. The 13 additional homes should help to put the brakes on these extreme housing price increases.

Simply adding more market rate housing is not sufficient to address the housing crisis, however. I'd like to repeat the suggestion made at the August 12, 2021 meeting for the Commission to allow two more homes on the site, in addition to the 13, that would be affordable as defined by 8-30g. The developer has their own motivations and incentives, but the Commission has its aforementioned responsibility under Connecticut's zoning enabling act to *"promote housing choice and economic diversity in housing, including housing for both low and moderate income households."* Kent is currently 100 units short of its affordable housing obligations under 8-30g, and the 13 new market rate homes will increase Kent's obligation by 1.3 units. U.S. Census ACS data from 2015-2019 show that nearly 50% of Kent residents are housing cost burdened.

The physical site characteristics of the parcel would clearly allow two more homes, given that Kent's own zoning regulations would allow up to 19 lots, a fact reiterated time and again in discussions of this proposal. The Commission, at the very least, should give the developer the ability to include a modest number of affordable units on their parcel. Given the data showing the great need for affordable housing in Kent, the clear language of the zoning enabling act, and Kent's own zoning regulations, it seems misguided for the Commission to prioritize a modest amount of open space over affordable housing on this parcel.

5.4.1

Finally, let me just conclude by saying that I like Kent the way it is, and I certainly understand the desire by the members of the Commission and many others to minimize change to that prominent and beautiful meadow. And like every property owner, I don't mind an increase in property values. However, the desire to minimize change, and increase property values, comes at the expense of people seeking housing, especially those on the less fortunate side of the wealth gap, who aren't currently reaping windfalls from our housing shortage like so many of us are. I hope the Commission and Kent residents will recognize the very real power they have to either - continue to exacerbate - or begin to alleviate - our housing and inequality crises, and act accordingly.

Respectfully,

A handwritten signature in black ink that reads "JPotter". The signature is written in a cursive, flowing style with a large initial "J" and "P".

Justin Potter

5.A.1

# Local Market Update – July 2021

A Research Tool Provided by SmartMLS

# SMARTMLS

## Kent

Litchfield County

Single Family	July			Year to Date		
	2020	2021	% Change	Thru 7-2020	Thru 7-2021	% Change
New Listings	14	6	- 57.1%	50	27	- 46.0%
Pending Sales	7	6	- 14.3%	30	26	- 13.3%
Closed Sales	11	3	- 72.7%	30	24	- 20.0%
Days on Market Until Sale	184	134	- 27.2%	136	147	+ 8.1%
Median Sales Price*	\$435,000	\$645,000	+ 48.3%	\$364,500	\$511,000	+ 40.2%
Average Sales Price*	\$496,273	\$560,667	+ 13.0%	\$513,067	\$728,813	+ 42.1%
Percent of List Price Received*	101.1%	97.8%	- 3.3%	96.4%	97.2%	+ 0.8%
Inventory of Homes for Sale	36	19	- 47.2%	—	—	—
Months Supply of Inventory	7.4	3.2	- 56.8%	—	—	—

## Litchfield County

Single Family	July			Year to Date		
	2020	2021	% Change	Thru 7-2020	Thru 7-2021	% Change
New Listings	435	340	- 21.8%	2,141	2,037	- 4.9%
Pending Sales	348	273	- 21.6%	1,519	1,655	+ 9.0%
Closed Sales	331	276	- 16.6%	1,389	1,582	+ 13.9%
Days on Market Until Sale	109	46	- 57.8%	113	69	- 38.9%
Median Sales Price*	\$310,000	\$331,500	+ 6.9%	\$275,000	\$325,000	+ 18.2%
Average Sales Price*	\$403,127	\$443,362	+ 10.0%	\$379,959	\$455,430	+ 19.9%
Percent of List Price Received*	98.5%	101.2%	+ 2.7%	96.5%	99.7%	+ 3.3%
Inventory of Homes for Sale	1,331	915	- 31.3%	—	—	—
Months Supply of Inventory	6.2	3.3	- 46.8%	—	—	—

### Median Sales Price - Single Family - Kent

Rolling 12-Month Calculation



### Median Sales Price - Single Family - Litchfield County

Rolling 12-Month Calculation



Source: SmartMLS FastStats Local Market Updates for Kent & Litchfield County. Data pulled 8/10/21.

\*Current as of August 13, 2021. All data from Smart MLS. Report © 2021 Showing Time.



AGENDA ITEM 5.A.1

Donna Hayes &lt;landuseadmin@townofkentct.org&gt;

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**Citizen input on subdivision proposal**

1 message

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**Deborah Gobble Lewine** <dgobblelew@gmail.com>

Fri, Sep 3, 2021 at 1:00 PM

To: Landuseadmin@townofkentct.org

Cc: Connie@manes-consulting.com, "plewine\_gmail.com" &lt;plewine@gmail.com&gt;

Hi, Ms. Hayes.

Please see the attached letter concerning the proposed subdivision on Route 7.

Thank you!

Deborah Gobble Lewine

42 Muller Road

**Lewine re Land Use .docx**

13K

S.A.I

September 3, 2021

TO:

Donna Hayes

Kent Planning and Zoning Commission

FROM:

Deborah Gobble Lewine

42 Muller Road

Kent, CT 06757

Dear Planning and Zoning Commission Members,

First, thank you for all the hard and complex work you do on behalf of Kent. Since my husband Peter and I moved into our home here in 2010, we have been very conscious of the difficulties of balancing the diverse needs of the community. That awareness has grown, since Peter joined the Community Emergency Response Team.

While I fully endorse the concept of developing more family-friendly housing in Kent, I have deep concerns about the proposed subdivision on Route 7 across from Cobble Lane. The density of the project would certainly affect aesthetics, including light pollution and the character of the entrance to town. This could have an impact on the tourism so vital to the local economy.

In addition, the site location on Route 7 could be a significant safety hazard. Adding traffic from 13 houses to this stretch of an already busy highway seems like a dangerous idea.

Please vote "NO" to the project in its current form.

Thank you,

Deborah Gobble Lewine

dgobblelew@gmail.com





AGENDA ITEM 5.A.1  
Donna Hayes <landuseadmin@townofkentct.org>

## Subdivision on North Main Street

1 message

Rita Kho <chkho2003@yahoo.com>  
To: landuseadmin@townofkentct.org  
Cc: connie@manes-consulting.com

Fri, Sep 3, 2021 at 2:29 PM

Donna Hayes, Land Use Administrator  
Kent Planning & Zoning Commission  
41 Kent Green Boulevard  
P. O. Box 678  
Kent, CT 06757

To The Planning & Zoning Commission

We've lived in Kent for 51 years and are deeply disturbed about the proposal for a subdivision on North Main Street. This development would totally ruin the rural character of Kent. The lot is not big enough for that many houses and it looks like the houses are going to be built along Route 7 thus blocking the view of the beautiful meadow for visitors and local residents.

We vote NO on this proposal.

Please make this letter part of the record for The Planning & Zoning Commission meeting on September 9th, 2021.

Thank you.  
Sincerely,  
Rita Kho & Ginger Giles



AGENDA ITEM 5.A.1

Donna Hayes &lt;landuseadmin@townofkentct.org&gt;

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**subdivision on rt 7 north of Kent**

1 message

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**Leigh Peet** <tandmelsmom@gmail.com>

Fri, Sep 3, 2021 at 3:23 PM

To: landuseadmin@townofkentct.org

Cc: connie@manes-consulting.com

I'm writing in regards to the proposed subdivision north of Kent. I don't believe this site would be a good place for such a large subdivision with so few acres.

Please vote no and make this letter part of the record for the Kent planning and zoning meeting on September 9, 2021.

Thank you,  
Leigh Peet



AGENDA ITEM 5.A.1

Donna Hayes &lt;landuseadmin@townofkentct.org&gt;

**[Kent CT] Proposed Development on North Main St. (Sent by Suzanne Tanner, suzannetanner@aol.com)**

1 message

**Contact form at Kent CT** <cmsmailer@civicplus.com>

Fri, Sep 3, 2021 at 7:24 PM

Reply-To: suzannetanner@aol.com

To: dhayes &lt;landuseadmin@townofkentct.org&gt;

Hello dhayes,

Suzanne Tanner (suzannetanner@aol.com) has sent you a message via your contact form (<https://www.townofkentct.org/user/31/contact>) at Kent CT.

If you don't want to receive such e-mails, you can change your settings at <https://www.townofkentct.org/user/31/edit>.

Message:

Donna Hayes, Land Use Administrator  
Kent Planning & Zoning Commission  
41 Kent Green Boulevard  
Post Office Box 678  
Kent, Connecticut 06757

To the Planning and Zoning Commissioners:

As a resident of Kent I am deeply concerned about the proposal for a subdivision of 13 homes plus two communal structures on a 12 acre lot on North Main Street. The proposed development will ruin the character of Kent's Northern gateway and completely obstruct the view of the existing meadow. I urge you to vote NO on this proposal and maintain the rural character of Kent to the best of your abilities.

Would you please make this letter part of the record for the Planning and Zoning Commission meeting on September 9, 2021.

Thank you,

Suzanne Tanner  
47 Johnson Road  
Kent, CT



AGENDA ITEM 5.A.1

Donna Hayes &lt;landuseadmin@townofkentct.org&gt;

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**Letter from William Boals and Margo Martindale**

1 message

**William Boals** <nyctexan2@gmail.com>

Sat, Sep 4, 2021 at 6:20 AM

To: Landuseadmin@townofkentct.org

Dear Ms. Lane,

Attached is our letter in opposition to the proposal for the development opposite Cobble Lane.

Thank you very much.

William Boals

Margo Martindale

**Proposal letter.docx**

13K

S.A.I.

September 4, 2021

Dear Ms. Lane:

As a homeowner and resident of beautiful Kent, I am writing to ask the Planning and Zoning Commission to please vote "no" to the proposal for the North Main Street, LLC application. One of the most appealing aspects of Kent is the rural ambience it offers, which have made it known as a quintessential New England village. We believe that the addition of thirteen new houses and a club house on twelve acres of land located just outside the northern entrance to the town, is in direct contradiction to all that makes Kent unique and wonderful.

Additionally, we think that it is very important to take into consideration the effect that such a large scale project would have on the various species of wildlife that currently inhabit and migrate through the proposed development site.

More than twenty years ago after dropping our daughter off at a summer camp in the area, we stopped for lunch in Kent. That day we agreed that this was a place that we would love live. Six years ago that became a reality, and we could not have been more pleased with our decision. We sincerely hope that the

Commission will think seriously about the proposal and agree with us, that this is not in the best interest of Kent.

Sincerely,

William Boals  
Margo Martindale  
7 Halls Lane  
Kent, CT

9/7/2021

Town of Kent CT Mail - My apologies

S.A.L



Donna Hayes <landuseadmin@townofkentct.org>

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## My apologies

1 message

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**William Boals** <nyctexan2@gmail.com>

Sat, Sep 4, 2021 at 6:46 AM

To: Landuseadmin@townofkentct.org

Dear Ms. Hayes,

Please accept my apologies for getting your name wrong in my earlier correspondence. All the best.

William Boals

Sent from my iPhone



AGENDA ITEM 5.A.1

Donna Hayes &lt;landuseadmin@townofkentct.org&gt;

**North Main Street subdivision application**

1 message

Joy Brown &lt;joy@joybrownstudio.com&gt;

Sun, Sep 5, 2021 at 5:01 PM

To: Donna Hayes &lt;landuseadmin@townofkentct.org&gt;

Dear Donna and Planning and Zoning Commission,

Please vote NO to the proposal for the North Main Street, LLC application. I believe it is important to protect the open fields (this is a particularly beautiful field) at the gateways of our town. Protecting the rural nature of our town keeps Kent so beautiful. A subdivision of this size would dominate the northern entry to our town. I remember years back there was a successful effort to protect the fields at the southern end as we enter town. We all appreciate that every time we come into town from the south. Let's do that at the north end too.

Thank you!

Joy Brown



AGENDA ITEM 5.A.1

Donna Hayes &lt;landuseadmin@townofkentct.org&gt;

**Thinking about thirteen new houses on Rt 7**

1 message

Maggie Stearns &lt;stearns.maggie@gmail.com&gt;

Mon, Sep 6, 2021 at 11:12 AM

To: landuseadmin@townofkentct.org

September 6, 2021

To the Planning &amp; Zoning Board (c/o Donna Hayes):

Dear P&Z: You all have done wonders over the years in maintaining the rural character of Kent; I hope you can refuse this large development at the gateway to the village, or at least reduce it – thirteen houses is far too many for a 12-acre site!

I live at 80 North Main Street, in the condominiums which are already beset by speeding cars on Route 7– thirteen new houses will not only add to the traffic and could someday require a blinker at the crossing with Cobble Lane, but the wall of five houses and the barn along Route 7 will block the gateway view with a high barrier which is anything but welcoming. Thirteen new houses may mean customers for town businesses, but will their taxes cover the water and sewer connections, the plowing and possible future replacement of the road, and the possible extension of our (non-existent) sidewalks listed in the August 12 minutes? Above all, it seems shortsighted to make the town less attractive by downgrading its gorgeous gateway. Once you've agreed to thirteen houses, Kent is stuck with their costs, traffic and major visual impact. If you can't refuse it altogether, I urge you to reject the project in its current size and layout – perhaps by flipping the layout so the row of houses is lower and forms the western edge of the property – and the gateway view is still open along Route 7.

Thank you for the incredible work you all do!

Sincerely,

9/7/2021

Town of Kent CT Mail - Thinking about thirteen new houses on Rt 7

Maggie Stearns #4-A-4

80 North Main Street



This email has been checked for viruses by Avast antivirus software.  
[www.avast.com](http://www.avast.com)



AGENDA ITEM 5.A.1

Donna Hayes <landuseadmin@townofkentct.org>

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## New subdivision

1 message

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Dixie Todd <dixieperrytodd@gmail.com>

Mon, Sep 6, 2021 at 12:08 PM

To: landuseadmin@townofkentct.org

To whom it may concern:

Please know that I am strongly opposed to the subdivision proposed just north of our town.

Sincerely yours,  
Anne Perry Todd  
97 Kent Cornwall Road  
Kent, CT



AGENDA ITEM 5.A.1.

Donna Hayes <landuseadmin@townofkentct.org>

## Letter regarding subdivision to be entered into record. We would like to read it at the upcoming meeting.

1 message

dorothy yewer <doryewer@yahoo.com>

Mon, Sep 6, 2021 at 2:46 PM

Reply-To: dorothy yewer <doryewer@yahoo.com>

To: Donna Hayes <landuseadmin@townofkentct.org>

Cc: "connie@manes-consulting.com" <connie@manes-consulting.com>

Hi Donna, Thank you for your kind attention and for your quick answers to our questions. The following is our letter; I have attached it as well in case you would prefer it as a PDF.

Thank you to the Planning and Zoning commission for your hard work in balancing important issues as the town puts its collective best foot forward. My family started coming to Kent when Mohawk's dreaded rope tow was the best way up; we settled in Kent 50 years later as its promise of rural beauty and historic charm was fulfilled.

Here are our thoughts on the proposed subdivision: There are 14 structures on the west side of Main Street between the Fife and the light at St. Andrews. Stand on the meadows where the proposed subdivision is being considered and imagine this number of structures here. The town has labeled this land "Housatonic Meadows" and designated it a "Town Character Area." If this subdivision is approved not only will the meadow be irrevocably destroyed, but the Kent brand will be in jeopardy of being diluted into that of a town with suburban sprawl. The economic benefit of Kent's tourism industry relies heavily on maintaining Kent's character, including its northern gateway.

Not only is this pastoral feel of importance for those who visit, but for those who live here; results from the most recent town survey confirm the desire of Kent residents to preserve open space.

- 87% agree or strongly agree with preserving open space as a high priority
- 94% believe open space will contribute to a positive quality of life
- 97% agree open space will maintain the Town's rural character

On the town's website: ... "THE OVERALL GOAL OF RETAINING KENT'S NEW ENGLAND SMALL TOWN CHARACTER, **WITH SPECIAL CONSIDERATION FOR PROTECTION OF THE NORTHERN GATEWAY TO THE VILLAGE.** THE OPEN FIELDS SURROUNDING AND WITHIN THE VILLAGE CENTER ARE OF PRIME CONCERN FOR THE TOWN'S RURAL AND SCENIC CHARACTER."

Resolution: Remove the southern four houses (at a minimum) and dedicate this space as open land. This will preserve a small portion of the meadow for the benefit of the entire town and its visitors. According to the conservation guidelines the P&Z commission has the discretion to change the 40% open space requirement and to move its placement. This is highly visible land, dedicating it as open space will protect a portion of our northern gateway, while reducing the consequences for the town if more houses are built than can be sold.

Concerns:

The market today will not be the market when this subdivision is completed. The 2 adjacent houses sat unsold for 20 and 15 months – (just prior to the pandemic) they were attainably priced, (sold well below asking) have 3 to 4 acres of land each, have useable out buildings and are closer to town – local agents have noted the market is beginning to soften.

1. The traffic on Route 7 far exceeds the posted speed limit – it is not 35-40 mph – we are exceptionally aware of the dangerous speeds driven and are hopeful that this is mitigated in some way – to date that has not been the case. This road will be a hard sell to potential families.
2. The trains currently come by 3 times a day with proposals for far more – combine that with truck and motorcycle noise and the appeal to buyers could be limited.
3. If these homes are partially built and unforeseen (but not unimaginable) challenges to our economy cause the developers to move on before completion there would be nowhere to hide. Any misstep here would forever mar the town, and its historically significant “rural and scenic character” would be erased in perpetuity.

#### Questions:

1. How long will building the houses/roadway etc. take? If the process drags on are there any repercussions (other than to the neighbors – and the town)?
2. Will there be an environmental impact study? A sub surface conditions survey? If blasting or extended chipping needs to be done, changes to water movement, and wells will occur. Additionally, the noise will be disruptive and will negatively impact the town.
3. What is the status with funding? The expense of bringing water and sewer (alone) will be in the hundred of thousands of dollars. Is the developer prepared for these costs and other possible contingencies?
4. If a permit is granted is it transferable?
5. How much will the houses sell for?
6. How will noise be regulated from pool and barn parties? How do we protect ourselves from these issues as they were recently experienced at Club Getaway?
7. Have the developers ever built a community like this? The architects website showcases interiors and furniture. Building on this scale is an enormous undertaking.
8. What will the proposed houses look like? The renderings are not specific to this development. Renderings of what the potential (and entire) subdivision will look like from several aspects along Route 7 should be made available.
9. Will the lighting follow dark sky lighting protocols?
10. How will the 43 trees be protected? Given the deer (will the trees be fenced) and the need to water saplings several times a week what guarantee is in place to ensure this is done? If/when a tree dies will it be replaced? How quickly? Will the town be able to enforce this?

Request: if any part of the plan is approved, in addition to the trees (which will take years to mature) we would ask that at the start of the project, an 8 foot fence (with a mutually agreed upon design) be installed along the southern property line as a much needed sound and site barrier. We purchased our home with a spectacular view of what felt like a protected town meadow and we will experience property value loss and years of upset as a result of this project.

The long-term effects for Kent should not be underestimated here. This is a town that Yankee magazine applauds for its scenic vistas and its quintessential New England feel. In 2010 the magazine touted Kent as the best place for leaf peeping (beating out Mass, Vermont, New Hampshire, and Maine) “Route 7 (it writes) wanders through **Kent, CT** providing some of the best eye candy going.” Weigh this carefully when measuring just how many structures this northern gateway can handle before the beauty, the views and Kent’s rural brand is diminished forever.

Respectfully submitted,

9/7/2021

Town of Kent CT Mail - Letter regarding subdivision to be entered into record. We would like to read it at the upcoming meeting.

Dorothy & David Yewer



**letter2take2.docx**

155K



AGENDA ITEM 5.A.1. ✓

Donna Hayes &lt;landuseadmin@townofkentct.org&gt;

**Fw: New building proposal**

1 message

dorothy yewer &lt;doryewer@yahoo.com&gt;

Mon, Sep 6, 2021 at 2:49 PM

Reply-To: dorothy yewer &lt;doryewer@yahoo.com&gt;

To: Donna Hayes &lt;landuseadmin@townofkentct.org&gt;

Hi Donna, I did not see this letter on the website and I fear it might not have gone to the correct address so I am forwarding it along.

With thanks!

Best,

Dorothy E. Yewer  
Education Consultant/Sales  
914.656.2027

----- Forwarded Message -----

**From:** jennifer hornecker <jennyhorn14@yahoo.com>

**To:** "landuseadmin@townofkent.org" <landuseadmin@townofkent.org>

**Cc:** dorothy yewer <doryewer@yahoo.com>

**Sent:** Saturday, September 4, 2021, 11:02:27 AM EDT

**Subject:** Fwd: New building proposal

Hi Donna, thank you for help - I am resending the attached to confirm it gets to you.

Best, Jennifer

Sent from my iPhone

Begin forwarded message:

**From:** jennifer hornecker <jennyhorn14@yahoo.com>

**Date:** August 18, 2021 at 10:32:05 AM EDT

**To:** landuseadmin@townofkent.org ← *email incorrect*

**Subject:** New building proposal

Sent from my iPhone

Begin forwarded message:

**From:** jennifer hornecker <jennyhorn14@yahoo.com>

**Date:** August 17, 2021 at 12:23:09 PM EDT

**To:** landuseadmin@townofkent.org

**Subject:** Attn- Donna Hayes

Donna, I live and work in the town of Kent and was recently horrified when I learned about the proposal to build 14 structures on 12 acres opposite Cobble Lane. There's a good reason most people who live in Kent chose to live here-if we wanted to live in a city atmosphere, that's where we'd be. 14 structures is too many for that piece of land and would destroy the rural feel of the town! Please vote NO to this proposal on September 9th and save our town! Thank you, Jennifer Hornecker

Sent from my iPhone



Donna Hayes &lt;landuseadmin@townofkentct.org&gt;

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**Subdivision on North Main Street**

1 message

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**Eric Cieplik** <ecieplik@gmail.com>

Thu, Sep 2, 2021 at 7:17 PM

To: Donna Hayes &lt;landuseadmin@townofkentct.org&gt;

Cc: Connie@manes-consulting.com

Donna Hayes, Land Use Administrator  
Kent Planning & Zoning Commission  
41 Kent Green Boulevard  
Post Office Box 678  
Kent, Connecticut 06757

To the Planning and Zoning Commissioners:

As a resident of Kent we are deeply concerned about the proposal for a subdivision of 13 homes plus two communal structures on a 12 acre lot on North Main Street. This development will ruin the character of Kent's Northern gateway and completely obstruct the view of the existing meadow. We urge you to vote NO on this proposal and maintain the rural character of Kent.

Would you please make this letter part of the record for the Planning and Zoning Commission meeting on September 9, 2021.

Thank you,

Eric &amp; Elise Cieplik

Eric Cieplik  
6 Botsford Road  
Kent, CT 06757  
860-927-7983 (H)  
917-865-2738 (C)



9/7/2021

Town of Kent CT Mail - Subdivision on North Main Street

AGENDA ITEM 5.A.1



Donna Hayes <landuseadmin@townofkentct.org>

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## Subdivision on North Main Street

1 message

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**Joanne Wasti** <jowasti@gmail.com>

Tue, Sep 7, 2021 at 8:49 AM

To: Donna Hayes <landuseadmin@townofkentct.org>

Cc: connie@manes-consulting.com

Hi Donna,

Please make my attached letter part of the record for the Planning and Zoning Meeting on September 9, 2021. Thanks.

Joanne



**Letter to P&Z September 9.pdf**

659K

5A1

Donna Hayes, Land Use Administrator  
Kent Planning & Zoning Commission  
41 Kent Green Boulevard  
Post Office Box 678  
Kent, Connecticut 06757

September 7, 2021

To the Planning and Zoning Commission:

I attended the previous P&Z meeting hoping to learn more about the proposed development on North Main Street. However, I came away with more questions than answers and now have grave concerns about this development, which, if built, would create suburban sprawl in a highly visible meadow, one that is part of the northern gateway to Kent.

This development of 15 structures would obstruct the view of the existing meadow, a part of the Housatonic Valley Meadows and an area marked as a priority for preservation on the Kent Character Map. Our own home would no longer have a view of a sweeping meadow—one that's been part of our home for over 150 years—but a view of the four houses and garages on the southern portion of the plan. Since our home is close to the road, this is the same view every resident in Kent will get as they climb the hill out of town. (See attached picture.) Please note that these four houses were not included in the architects' rendering of the view from Route 7.

Although this proposed development is a Conservation Development, which requires a minimum of 40% open space, the homes and barn on the site plan are situated along route 7, while the open space is at the back. This is problematic because the open space is not preserving the view on Route 7 and will only be of benefit to the residents of the development. In addition, it cuts off the wildlife route that goes across Route 7.

Apart from my own feelings about this subdivision, it seems that the planning and zoning commission had similar concerns as written in the Kent Plan of Conservation and Development, 2012. Page one:

*Kent presents a distinct boundary from the spreading urbanization found to the south and west. This distinction is enhanced by the Town's efforts to keep the village center intact and to keep the entrance gateways to Kent attractive and representative of New England small town qualities. (p.1)*

There are many references in this document to the importance of maintaining the rural character of Kent, especially it's northern and southern gateways. The new changes to the zoning regulations (February 16, 2021) state that, *Unless modified by the Commission, a minimum of 40 percent of the Conservation Development area shall be preserved as open space...* I urge the Commission to modify the minimum open space requirement to at least 60%, and ideally

5A1

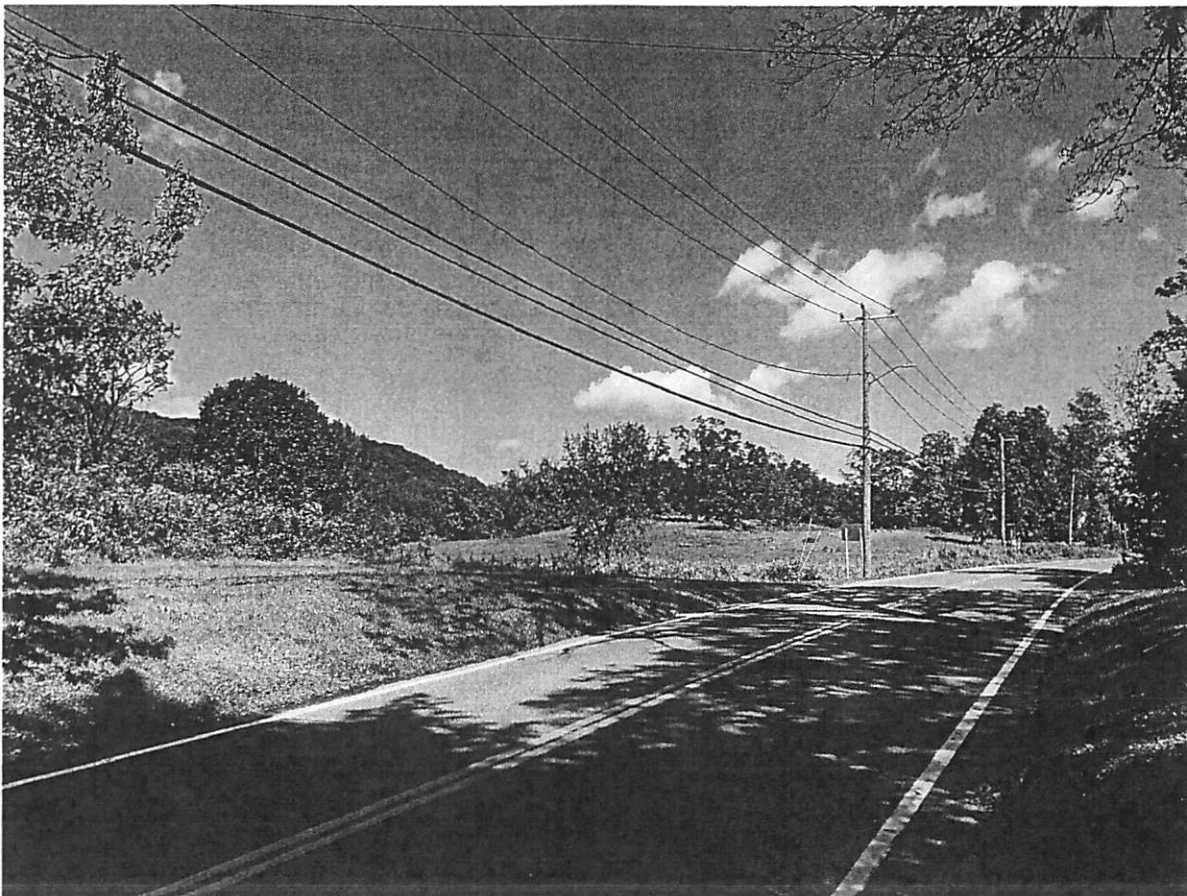
80%, and require the houses to be sited at the back of the property, thus preserving the meadow view at the northern gateway to Kent.

Apart from the obvious destruction of the scenic view, there were many things I was left wondering about after the last meeting: what will the houses be sold for? How long will construction last? What if the houses are not sold and we're left with a partially built development? Do the developers have examples of successful developments, or houses, they've built? What will this do to my own home's value? Will there be an environmental impact study?

At this point, I believe the Commission would be making a great mistake granting a special permit for this development as it's proposed, and I urge them to vote it down.

Respectfully,

Joanne Wasti  
Kent Resident



9/7/2021

Town of Kent CT Mail - VOTE NO

ABERDA ITEM 5.A.1



Donna Hayes <landuseadmin@townofkentct.org>

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## VOTE NO

1 message

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**alice@alicemcadams.com** <alice@alicemcadams.com>

Tue, Sep 7, 2021 at 9:40 AM

To: Landuseadmin@townofkentct.org

Cc: connie@manesconsulting.com

To the proposal for the North Main Street LLC application.

This would be a blight on the scene of the town as you are coming in from the North.

Please vote no on this proposal.

Alice Roper

43 Muller Road

Kent Connecticut 06757

Sent from my iPad



AGENDA ITEM 5.A.1.

September 4, 2021

Board of Directors

President:  
Virginia Bush Suttman  
Vice President:  
Anne Bisenius  
Treasurer:  
Gary Ford  
Secretary:  
Bill Bachrach  
Directors:  
Sharon Cipolla  
Irene Coe  
Pete Diaz  
Teri Freeman  
Lianna Gantt  
Miri Knight  
Hal Kamm  
Betty Krasne  
Pete Diaz  
Gregg Sheridan

To the Commissioners of the Kent Planning and Zoning Commission:

As housing in Kent becomes ever more expensive and exclusive, 2021 is the right time for the Kent Planning and Zoning Commission to renew its support for housing in our town for those of more modest income.

Fifteen years ago, P and Z showed its support when it approved a lot size as small as one acre for building an affordable home (given an approved septic). Regulations were also expanded to allow a third home on a common driveway if that home were to be affordable. We know of no homes that have been built under either provision since 2007.

Will the Commission in 2021 speak up for affordable housing as it moves to approve a subdivision of 13 high end homes? We hope it will. And, if it reluctant to impose any such requirements upon North Main Street Kent, it should set expectations for any future subdivision applicant. Developers of new homes in Kent should understand that affordable home ownership in Kent is a P and Z core value and one part of their mandate as they seek P and Z approvals. Would that apply to a developer of four homes? It should certainly apply to a subdivision of ten or more homes.

Many Connecticut towns have adopted ordinances requiring affordability in 10% or 20% of new housing in subdivisions. Some towns provide a cash option for developers who want the required affordable homes to be built on a separate site—not our preference. Might the Commission agree at its September 9 meeting to bring to one of its fall meetings one or more experienced consultants to explore some of these options for Kent?

Sincerely,

*Bill Bachrach*

Bill Bachrach

*Hal Kamm*

Hal Kamm

*Gregg Sheridan*

Gregg Sheridan



Kent Affordable Housing, Inc.

P.O. Box 265, Kent, CT 06757-0265 [kentaffordablehousing.org](http://kentaffordablehousing.org)





AGENDA ITEM 5.A.1.

Donna Hayes &lt;landuseadmin@townofkentct.org&gt;

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**A Letter for the Proposed sub-division**

1 message

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**tim thegoodportfolio.com** <tim@thegoodportfolio.com>  
To: Donna Hayes <landuseadmin@townofkentct.org>

Tue, Sep 7, 2021 at 10:32 AM

Good Morning Donna,

It was good to see you and Robbie out and about yesterday.

I have attached a letter in regards to the proposed sub-division. I request for this to be read and entered in to the record at the Planning and Zoning Meeting Thursday September 9<sup>th</sup>.

If possible, please acknowledge receipt.

Thanks Donna,

Tim

Tim Good

The Good Gallery

23 South Main Street

Kent, Ct 06757

860 248 9848

[www.thegoodgallerykent.com](http://www.thegoodgallerykent.com)

Town of Kent  
Planning and Zoning Meeting September 9<sup>th</sup>.

Proposed sub-division 227 North Main Street.

I request that this letter be read into the minutes of said meeting.

To the Planning and Zoning Committee.

I am a current Kent business owner, a past President of the Kent Chamber of Commerce for 6 years and a concerned resident of this town.

There are many concerned voices that we could lose the beauty of the Northern Gateway to Kent at the said location of The Meadows. The sub-division on 13 Acres will primarily consist of 15 buildings not including garages (not the 13 structures as suggested in the conservation Special Permit). Primarily, the conservation land is hidden at the back of the lot and all the buildings are set on 7 acres near and adjacent to the Rte 7 corridor. To this point, please consider a reduction in the number of dwellings. I propose that the commission request the developers provide digital renderings and views of the structures from Rte 7 both in spring and the winter months so the commission can more easily visualize the curtailed stunning views of the western side of the valley and Skiff Mountain as well as the green meadows that will only be enjoyed at the rear of the property by the new residents.

The gateways into Kent from both North and South are a precious commodity of the town and enhance the experience of anyone who visits or resides here. Clearly the Kent Land Trust reflect this in protecting the South entrance to Kent.

It is understood that growth is inevitable in any town, large and small, however, there must be greater consideration of location and impact on the beauty of this quintessential rural part of New England as clearly detailed in the Kent Town website plan of conservation.

Due to the likely impact of the proposal, the plan should be re-considered or at the very least a reduction in the number of structures should be proposed and the conserved meadows should be contiguous to Route 7. As the P & Z commission are aware, it is at their discretion that they can choose to decrease the amount of buildable land in such a conservation special permit.

Other considerations:

- Town water and sewer will need to be brought from Town at a great expense – is the developer prepared for this?
- Blight on the landscape if the lots and road are partially built and not sold or if the developer runs out of money.
- Questions about the length of the project have gone unanswered.
- The electronic speed sign, adjacent to the site is clearly installed due to high-speed issues. Have there been any traffic patterns and studies done at the site?
- What type of light will be used when considering light pollution, will they be required to install dark sky down lighting?

- Will the suggested trees last or die and if they die will they be replaced and by whom?
- Will the community building and the swimming pool be zoned for noise abatement etc.
- Will there be an independent impact study undertaken to consider bed rock and what issues that brings.
- Concerns of suburban sprawl and loss of property values.
- Will there be a maintenance drive required for maintaining the swimming pool in the lower field due to steep inclines? If so this will further reduce open space.
- The suggested buildings in the study are not necessarily what will be built, can the builders be more specific?
- Could the planning permission be sold on to another less concerned developer.

As a business owner in town, I have a genuine concern that this subdivision could cause us to lose the flavor of Kent which would inevitably end in fewer tourism dollars and also in time a less desirable place to live.

I thank the commission for their time and consideration.

Respectfully,

Tim Good.





AGENDA ITEM 5.A.1.  
Donna Hayes <landuseadmin@townofkentct.org>

## Rte 7 Housing Development

1 message

Elissa Potts <elissa@fifendrum.com>

Tue, Sep 7, 2021 at 12:23 PM

To: Donna Hayes <landuseadmin@townofkentct.org>

To the Kent Zoning Board

Regarding the subdivision on Rte 7, it is my hope that as the Kent Zoning Board looks into all aspects of this project. I ask that you hold true to the statement found on the town's website...it is what separates Kent from other nearby towns.

..."the overall goal of retaining Kent's New England small town character, **with special consideration for protection of the northern gateway to the Village.** The open fields surrounding and within the Village Center are of prime concern for the Town's rural and scenic character."

It is also my hope that the Zoning Board remembers the controversy surrounding the size of the Cyberian Outpost Buildings and now the length of time the Morrison Gallery has taken to build. When Cyberian Outpost was built, everyone was upset by the two 9,000 sq foot buildings. When it came time to sell the buildings, buyers were scarce. Now the Morrison Gallery, which has become a 5 year project, is a different design from the original proposal. Things change as costs change during a project.

So yes, housing is much needed in Kent. However I do feel this housing project REALLY needs to be especially sensitive to Kent's North Gateway. Its the last one of its kind here in our rural town. In addition, the Zoning Board needs to recognize the aging population of the average Kent resident, so a housing project of this enormity, and eventual selling price, needs to take that into consideration when it comes to eventually marketing these homes. It is a fact that should not be overlooked when Zoning decides on the scope of this housing project.

Thank you,

Elissa Potts

Elissa G T Potts |  
Fife 'n Drum Restaurant and Inn |  
P O Box 188 |  
53 N Main Street |  
Kent, CT 06757 |  
860.927.3509 |  
Restaurant is Closed Tuesday |  
Inn Open 7 Days, Call ahead for Tuesday |  
www.fifendrum.com |  
www.kentct.com



Donna Hayes &lt;landuseadmin@townofkentct.org&gt;

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**Attn Donna Hayes Planning Board**

1 message

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**Sue** <susankayeriley@aol.com>

Tue, Sep 7, 2021 at 2:42 PM

Reply-To: Sue &lt;susankayeriley@aol.com&gt;

To: "landuseadmin@townofkentct.org" &lt;landuseadmin@townofkentct.org&gt;

Dear Kent Planning Board,

My husband and I are Kent residents. We understand there is not a lot of newer housing to attract younger families. We are not completely adverse to the 12 acre lot being developed on North Main Street, but do feel the layout of the houses right up against the road will be an eyesore and not in keeping with the lovely pastoral setting we all currently enjoy.

I understand the actual homes are right in the front of the property, with open space in the back away from the road.

While we appreciate the developer not building the max amount of houses allowed, we would like to see them hidden from the road a little more. And we also feel a style more in keeping with the rest of town would also be nice.

I hear from friends they are very against this being developed at all. Perhaps some compromise would make all Kent residents a little happier. Kindly make this letter part of the record for the Planning and Zoning Commission meeting on September 9, 2021.

Sincerely,

Susan and Robert Riley  
80 North Main Street  
Unit 1B4  
Kent, Ct.

5.4.1

RECEIVED  
9/18/21

Read during 9/18/21  
mtg by W. Murphy

**TO: P&Z**

**RE: On the Matter Of Two Amendments to the Regs**

**FROM: Wendy Murphy**

In 2009 the Kent community began the arduous process of drafting a Plan of Conservation and Development. Residents were asked through surveys, focus groups, public hearings, etc. what features were in their opinions most important to protect and preserve in our town. It turned out that keeping Kent rural in social temperament was something just about everyone could agree upon. It was cherished by old timers and sought after by new residents; it was good for one's health, a source of recreation, and it was good for business and tourism all at the same time. More explicitly, Kent voters wanted to honor the town's agricultural heritage, its relatively low population density per square mile, its gloriously dark night skies, and perhaps most of all, they wanted to retain the town's many dramatic vistas, a landscape of alternating open fields, pastures, and forested areas along the town's principle roadways. Its green gateways to the village were something that state traffic studies had shown induce drivers to slow down, a safety factor. Open spaces also attracted out-of-towners and was something to be shared daily by kids on school buses, people going to and coming home from work, by people going to the library, to town hall, to the grocery store and the coffee shop.

Now 11 years later citizens, commissioners, administrators and other stakeholders are being asked to repeat the lengthy and exhaustive POCD process all over again. Actually it's state law. Even so, many of us think we have a pretty good formula for growth and stability right now. But of course ten years is a

long time and a lot can change. Even better ideas can come forward, unforeseen challenges can arise. OK, maybe a 2020 POCD can be an improvement, a strategic plan for building even better, while preserving what we love.

But do we want our overall scheme for the town's growth and development to be driven by the opportunity to increase property tax revenues? Yes, 12 to 18 houses may add a few dollars to our coffers but population growth may well increase the costs of running our schools, delivering municipal services, hiring police and fire fighters.

I say all this because the proposed amendments to P&Z regulations on behalf of the Rt 7 property being addressed tonight fly in the face of what we have worked so hard to protect. Voting to approve will in my mind remove forever the precedents that have held fast for the last 20 years and more: that we want a Northern Gateway to our town as part of Kent's uniqueness. The "conservation easement" the developers' request does not seem like conservation at all. Many, many houses in this development are to be sited close to Route Seven much like a suburban development common in downstate New York. The conserved parcel that is being touted as a good thing for the town seems to be mostly out of sight where the terrain drops off, exceeding the steepness that usually makes building impractical or risky. So the developer is making an accommodation to his own bottom line, not to the spirit of conservation.

I ask myself and you as members of the P&Z why are we having to consider this plan as the best that can be achieved for this landmark parcel known to so many of us as Kent's Northern Gateway.

\*\*\*\*\*

**The second point I want to raise here briefly is a technical question. Kent is not one of the 80 towns in CT that are regulated under DEEP's Aquifer Protection Area Program which was enacted in 2004. Aquifers are the principle storage places for water that falls to earth as rain or snow, is absorbed, and evaporates in the constant hydrological cycle. Aquifers were hard to find, and harder to measure quantitatively, in historic times. Manmade reservoirs and water pumping stations were thought to be how people managed a community's need for clean water; it was long assumed that time alone would keep water in a constant state of self-cleaning. But this is short-sighted.**

**Kent has an aquifer at the junction of Rt. 341 and South Kent Road. It is unfit for drinking because the State Department of Transportation, unaware of the hidden storage below ground, kept an unsheltered pile of road salt there. So my question is, do we know whether an as yet untapped aquifer lies directly below this proposed subdivision? Stratified drift aquifers, created during the Ice Age, tend to be deposited deep underground near river beds. Kent's municipal water supply is an aquifer at the junction of Cobble Road and Rt. 341, not so far from this proposed development. Shouldn't we ask DEEP and Aquarion review this property for residential development before we let the bulldozers and blasting engineers in to tear it up?**

5.4.1

RECEIVED  
9/18/21  
rmb

Read during 9/9/21  
mtg by  
J Spelbos

To: Donna Hayes, Kent land use administrator  
and the Kent Planning and Zoning Commission

Regarding: Proposed conservation development by North Main Street LLC

By: The Kent Conservation Commission

September 9, 2021

The KCC finds that the proposed subdivision will negatively impact the northern gateway to the village, which is designated as an important Town Character Area in the town's Plan of Conservation and Development. The defining feature of this TCA are the view of the open fields, including the sloping meadow at the north end with the old barn, and the view of the mountains behind it, as well as how it clearly defines the edge of the village.

The subdivision and open space layout in the proposal doesn't protect this view and blurs that edge. This proposal can not be called a true conservation development.

The commission also asks the P&ZC to publicly support the formation of a town land acquisition fund that can be used in the future to acquire at risk properties like this one, that Kent residents find important enough to protect.

Thank you,  
Jos Spelbos

A personal note:

To get more input from town residents on the front end, instead of late in the game as is happening here, subdivision proposals need to be publicized better, such as linking to it in the selectman's newsletter, and maybe be putting up big signs along the property showing what is proposed and when and where it will be discussed.

Jos Spelbos