



**RECEIVED**

*By Darlene Brady at 10:37 am, Oct 17, 2022*

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

**Regular Meeting Minutes**  
**Planning and Zoning Commission**

The Planning and Zoning Commission held a regular meeting on Thursday, October 13, 2022, via zoom beginning at 7:00 p.m.

**1. CALL TO ORDER**

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

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

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

Staff Present: Tai Kern, LUA

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

**3.A.** Special Meeting Minutes of September 8, 2022.

*Mr. Weingarten moved to approve the Special Meeting Minutes of September 8, 2022, as presented. Ms. Casey seconded and the motion carried unanimously.*

**3.B.** Regular Meeting Minutes of September 8, 2022

*Mr. Birnbaum moved to approve the Regular Meeting Minutes of September 8, 2022, as presented. Mr. Weingarten seconded and the motion carried unanimously.*

**4. PUBLIC COMMUNICATIONS (ORAL):**

No action taken.

---

**TOWN OF KENT PLANNING AND ZONING COMMISSION**  
**REGULAR MEETING MINUTES FOR OCTOBER 13, 2022**

These are draft minutes and reflect a summary of discussions and respective motions. 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.

## **5. OLD BUSINESS:**

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

#### **5.A.1** Application #'s 77-22C and 78-22SP, John Bergin for The Kent School, 74 Schaghticoke Road, Map 4 Block 3 Lot 5, construction of 24'x24' modular 2-car garage.

Chairman Wyrick reopened the public hearing. The group confirmed the receipt of the updated plan showing detail requested. It was confirmed that this proposal is outside the wetland setback area and that the Housatonic River Commission has reported that they have no issues with this proposal.

*Mr. Weingarten moved to close the public hearing for Application #'s 77-22C and 78-22SP, John Bergin for The Kent School, 74 Schaghticoke Road, Map 4 Block 3 Lot 5, construction of 24'x24' modular 2-car garage. Mr. Birnbaum seconded and the motion carried unanimously.*

Chairman Wyrick suggested that the ZEO require an as-built for this project.

The request for waivers were reviewed.

*Mr. Weingarten moved to accept waivers 2, 6, 8, 9, 10, 11, 12, and 13 for Application #'s 77-22C and 78-22SP, John Bergin for The Kent School, 74 Schaghticoke Road, Map 4 Block 3 Lot 5, construction of 24'x24' modular 2-car garage. Mr. Birnbaum seconded and the motion carried unanimously.*

*Mr. Weingarten moved to approve Application #'s 77-22C and 78-22SP, John Bergin for The Kent School, 74 Schaghticoke Road, Map 4 Block 3 Lot 5, construction of 24'x24' modular 2-car garage. Mr. Birnbaum seconded and the motion carried unanimously.*

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

#### **5.B.1.** Clarification on the baseline of operations and aspirations of Club Getaway

Chairman Wyrick polled the Commissioners with regard to how they would like to move forward with this matter. It was noted that Club Getaway could continue to move forward as a pre-existing nonconforming use utilizing the baseline that they have provided. Any future changes to the use and site plan could be subject to ZBA approval. The other option would be to carefully craft a regulation allowing for this use in the Zoning Regulations.

The members determined that it would be best to move forward with a carefully crafted regulation as this is generally a tourism-based use that would be a good fit for the Town of Kent. The Commissioners requested that Glenn Chalder be consulted to assist with this project.

#### **5.B.2.** Proposed change to regulations: electric vehicle charging stations.

The members confirmed receipt of the revised draft regulation for EV Charging dated 10/8/22 provided by Glenn Chalder. The Commissioners discussed the mandates noted under Section 8283.2 and agreed to

---

## **TOWN OF KENT PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES FOR OCTOBER 13, 2022**

These are draft minutes and reflect a summary of discussions and respective motions. 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.

soften the requirements for new construction and parking expansion to only require selection #1 EV-Capable infrastructure, which would provide the capacity for a future EV parking spot.

*Mr. Birnbaum moved to accept the proposed EV Vehicle Charging Regulation with the amendment under 8283.2 to only require EV capable parking spots in new or expanded parking areas. Mr. Manes seconded and the motion carried unanimously.*

*Mr. Birnbaum moved to set a public hearing for the November 10, 2022 meeting for the proposed regulation revision for EV Charging as well as to include the opt-out notations within the regulations that had been approved earlier this year. Mr. Manes seconded and the motion carried unanimously.*

## **6. NEW BUSINESS:**

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

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

#### **6.B.1. Creation of a subcommittee to discuss and possibly rewrite the parking regulations.**

The group determined that they would not address regulation revisions as a subcommittee, but would prefer to work under Glenn Chalder's guidance to update the subdivision regulations and create a resort/club regulation as well as other items that should be addressed within the regulations.

A list of the Commission's objectives will be compiled and shared with Glenn Chalder. Then the appropriate path forward will be determined.

## **7. STAFF REPORT:**

LUA Tai Kern reported that it had been a somewhat quiet month in the Department. She noted that the Board of Selectmen have agreed to make a decision regarding the proposed Assistant Land Use Administrator job description at their October 20<sup>th</sup> meeting. The members agreed to make an effort to be present at that meeting.

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

### **8.A. POCD Subcommittee**

The members determined that the public hearing on November 10<sup>th</sup> would be held via Zoom. The new hybrid meeting room will be utilized for the December regular meeting.

It was noted that a letter of comment had been received and was available for review with regard to the POCD.

---

## **TOWN OF KENT PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES FOR OCTOBER 13, 2022**

These are draft minutes and reflect a summary of discussions and respective motions. 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.

**8.B.** Affordable Housing Plan Subcommittee - disbandment

*Mr. Birnbaum moved to disband the Affordable Housing Subcommittee. Mr. Weingarten seconded and the motion carried unanimously.*

**9. OTHER COMMUNICATIONS AND CORRESPONDENCE:**

**9.A.** Administrative Permits and Certificates of Compliance:

**9.A** September 7 to October 10, 2022.

Received and reviewed.

**9B.** Connecticut Federation of Planning and Zoning Agencies, *Quarterly Newsletter*, Summer 2022

Received and reviewed.

**9.C.** Budget Report July – August 2022

Received and reviewed.

- 10. 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.**
- 11. EXECUTIVE SESSION: Pending Litigation: Committee to Protect Rural Kent, LLC, Yewer, Dorothy and Yewer, David vs Town of Kent Planning and Zoning Commission, et al in Superior Court, Judicial District of Litchfield at Torrington dated December 21, 2021.**
- 12. EXECUTIVE SESSION: Pending Litigation: CT Judicial Branch Supreme/Appellate Case, Docket #: AC220015, High Watch Recovery Center, Inc. v. Town of Kent Planning and Zoning Commission.**

*Mr. Manes moved to go into Executive Session for agenda items 10, 11 and 12 at 7:52 p.m. Mr. Birnbaum seconded and the motion carried unanimously.*

*The Commission came out of Executive Session at 8:04 p.m.*

- 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.**
- 14. Open session involving discussion and possible action on Pending Litigation: Committee to Protect Rural Kent, LLC, Yewer, Dorothy and Yewer, David vs Town of Kent Planning and Zoning Commission, et al in Superior Court, Judicial District of Litchfield at Torrington dated December 21, 2021.**

---

**TOWN OF KENT PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES FOR OCTOBER 13, 2022**

These are draft minutes and reflect a summary of discussions and respective motions. 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.

15. Open session involving discussion and possible action on Pending Litigation: CT Judicial Branch Supreme/Appellate Case, Docket #: AC220015, High Watch Recovery Center, Inc. v. Town of Kent Planning and Zoning Commission.

*Mr. Birnbaum moved to follow the recommendations of the Attorney with regard to the three items of litigation with the Commission. Mr. Manes seconded and the motion carried unanimously.*

16. **ADJOURNMENT**

*Mr. Birnbaum moved to adjourn at 8:05 p.m. Mr. Winter seconded and the motion carried unanimously.*

Respectfully submitted,

*Tai Kern*

Tai Kern  
Land Use Administrator

---

TOWN OF KENT PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES FOR OCTOBER 13, 2022

These are draft minutes and reflect a summary of discussions and respective motions. 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.