



*J. Manes*  
2022 JUN 13 P 4:11  
RECEIVED FOR RECORD  
KENT TOWN CLERK

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

**REGULAR MEETING MINUTES**

The Planning and Zoning Commission held a regular meeting on Thursday, June 9, 2022, at 7:00 p.m. via zoom.

**1. CALL TO ORDER**

Mr. Wyrick called the meeting to order at 7:01 p.m.

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

Commissioners Present: Wes Wyrick, Chairman; David Birnbaum, Karen Casey, Rich Chavka, Darrell Cherniske, Alice Hicks, Adam Manes, Matthew Winter

Staff Present: Donna M. Hayes, Land Use Administrator

Mr. Wyrick elevated Mr. Chavka and Mr. Winter to voting status.

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

**3.A.** Regular Meeting Minutes of May 12, 2022.

*Mr. Manes moved to approve the Regular Meeting Minutes of May 12, 2022, as presented. Mr. Birnbaum seconded and the motion carried unanimously.*

**3.B.** Special Meeting Minutes of May 25, 2022.

*Mr. Winter moved to approve the Special Meeting Minutes of May 25, 2022, as presented. Mr. Birnbaum seconded and the motion carried unanimously.*

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

No action taken.

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**TOWN OF KENT PLANNING AND ZONING COMMISSION**  
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## **5. OLD BUSINESS:**

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

No action taken.

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

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

Ms. Hayes explained that Atty. Merriam was at another meeting but would join this meeting once done. He requested that we table the discussion to a later point in the agenda.

*Mr. Manes moved to hear agenda item 5.B.1. after agenda item 6.B.4. Ms. Casey seconded and the motion carried unanimously.*

Atty. Merriam provide the Commission with a brief overview of the information he had submitted and his suggestion that Club Getaway should be mentioned in the POCD based on the economics and interest it brings to the Town. He also summarized his recommendation to create a Planned Development Zone which is not mapped like an overlay district until the plan is presented to the Commission. It was also recommended that any changes to the regulations be brought forward to the P&Z attorney.

Mr. Wyrick thanked Atty. Merriam for his presentation and the education it provided on how to move forward. Mr. Birnbaum asked if the creation of the PDZ would be at the discretion of the Commission. Atty. Merriam replied that it would and that, in this case, the Commission would be given the broadest discretion because the Commission is acting in a legislative fashion.

Mr. Schreiber commented that when this process first started, he was under the impression that all he needed to do was to create a baseline but has now become confused about the objective. He continued that he does not mind going through the process because he would like to be regulated so that there are no questions about what he does there on a regular basis or what special events he can hold. Mr. Schreiber agreed with Atty. Merriam about being included in the POCD because Club Getaway is a defined entity in the Town of Kent. Mr. Wyrick agreed but said that he is concerned about the unintended consequences of creating a regulation. Mr. Birnbaum said that he now believes the Commission has a tool to handle that and that a regulation can now be crafted that will eliminate the concern that Mr. Wyrick has.

Mr. Winter said that he agrees with everyone and that it should not be necessary for Mr. Schreiber to spend any more money at this point in time. He recommended that the memo that was created by Atty. Merriam be passed on to Mr. Chalder for his review and recommendation; other Commission members agreed. Mr. Wyrick asked that a comment be added to the POCD to which Mr. Winter agreed. Mr. Winter asked that this topic remain on the agenda.

#### **5.B.2. Application #41-22C, David Bouley, 16 Longview Road, Map 11 Block 40 Lot 49, construction of 60' x 40' storage building with living roof in HorizonLine Conservation District.**

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## **TOWN OF KENT PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES FOR JUNE 9, 2022**

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Ms. Hayes explained that Mr. Bouley was currently on a plane and would not be able to attend the meeting until later. Ms. Hayes explained that the Commission had received a site plan showing the elevations as well as multiple pictures showing the proposed site and the trees that would be removed.

Mr. Wyrick commented that Mr. Bouley had provided the information that was requested as well as the pictures and according to the site plan, he did not think that the grades were that severe. He continued that Mr. Bouley also provided information on the trees to be removed, which he felt was minimal, and that he now considered this a complete application.

Mr. Manes agreed with Mr. Wyrick and said that he did not think the underground structure would be visible from anywhere. Mr. Birnbaum said that the photographs answered any concerns he had and he did not think any more information was required. Ms. Casey agreed.

*Mr. Manes moved to approve Application #41-22C, David Bouley, 16 Longview Road, Map 11 Block 40 Lot 49, construction of 60' x 40' storage building with living roof in HorizonLine Conservation District. Mr. Birnbaum seconded and the motion carried unanimously.*

**5.B.3. Application #42-22C, Dean Gregory for James Robinson, 82 Cobble Road, Map 9 Block 42 Lot 12, construction of 2-family dwelling, driveway and associated site work in HorizonLine Conservation District.**

Mr. James Robinson, property owner, was present to address the Commission. He showed the Commission a presentation about the choices that were discussed in order to meet the concerns of the Commission which he understood.

With regard to the position of the proposed house and the areas to be cleared, Mr. Robinson said they reviewed multiple amendments and said that moving the house farther up the hill to lengthen the driveway would require substantially more clearing and could create more damage and erosion issues. He was hoping to end up with a scenario that was more in line with the house at 60 Cobble Road.

Mr. Robinson presented pictures of the current conditions which showed a view from the proposed house of trees which were either predominantly new growth birch trees or dead or fallen branches. Mr. Robinson did consult with a horticulturist who said that there is nothing of significance with the exception of 5 trees located within the building site that they will try to save. The removal of the trees that are of no significance will provide more sunlight and air for those new growth trees. He noted that there is a natural swale at the bottom of the property which currently collects water from the hillside.

Mr. Robinson moved on to the issues with the driveway and thanked the Commission for spelling out their concerns. As a result, different scenarios were created where the driveway was relocated/shortened/moved. After much discussion, it was decided to move the driveway entrance closer to the center of the property thereby shortening the driveway length by approximately 200' and reducing the clearing required by approximately 40% leaving a natural barrier between Cobble Rd and the house. Mr. Robinson continued that they will be designing swales and French drains and landscaping plans to restore the area.

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Mr. Robinson concluded that they will still need to come up with the cut and fill calculations as well as having the work reviewed by the Kent Volunteer Fire Department for emergency vehicle access. He asked the Commission for feedback.

Mr. Wyrick said that he appreciated all the work that was done and asked Mr. Robinson if they had moved the house back. Mr. Robinson said that they did move the house back a little bit, but the driveway still falls within the 13% - 15% grade requirement. Mr. Wyrick reiterated that the concern the Commission had was the runoff from the property onto Cobble Road which could cause a safety issue. Mr. Robinson said that he will have more information at the next meeting but just wanted to make sure that everyone was on the same page before expending more funds on the design.

Mr. Robinson said that the driveway will be treated as a terrace which will contain swales and break the runoff. It is hoped that the changes will reduce the grading on the downhill side. Mr. Wyrick said that failure to address the runoff issue would impact the driveway as well as the road below.

Mr. Birnbaum asked why they had not considered version F, which presented a much shorter driveway. Mr. Robinson said that it would make the driveway too steep and would impact the reserve area of the septic system. It could also create runoff onto the neighbor's property.

Mr. Chavka asked if the driveway would be paved and Mr. Robinson replied that the driveway would not be paved but would be pervious to absorb as much water as possible.

Mr. Wyrick clarified that Mr. Robinson was looking for direction to move forward. He asked Ms. Hayes if she had any further questions and she replied that it seems to be a much better design and seems to answer the questions/concerns that she had previously. She stated that she is still interested in seeing the completed erosion control plan.

Mr. Manes commented that he is glad that they have decided to leave some of the foliage at the bottom of the property which would maintain the look of Cobble Road itself.

Mr. Winter commented that Cobble Road is definitely wooded. He said that the applicant has minimized the clearing by moving the driveway to the west. The applicant does have the ability off of the driveway to flatten the grade to add detention basin controls. Mr. Winter continued by asking the applicant to still pay attention to the proposed pool due to the fact that once the driveway and house are built there would be no construction access to the area and the new construction would require the creation of a new access area.

Mr. Robinson said that the basin potential was a point well taken. With regard to the pool, he would love to get it done during the main construction. Mr. Wyrick said that if the pool does not go in, Mr. Robinson would ultimately end up with a very nice flat area. Mr. Robinson said that they would be using native plantings and would not have a "golf course lawn".

Mr. Wyrick asked if the Commission had any additional questions. Mr. Robinson said that he planned on coming before the Commission at their July meeting with the additional information on the drainage.

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subsequent meeting minutes for possible corrections and approval of these minutes.

*Mr. Winter moved to continue this discussion to the next regularly scheduled meeting where the Commission will receive additional information. Mr. Birnbaum seconded and the motion carried unanimously.*

## **6. NEW BUSINESS:**

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

- 6.A.1.** Application #'s 44-22C and 45-22SP, Daniel Havens for State of Connecticut DEEP (CAMA), 31 Kent Cornwall Road, Map 9 Block 15 Lot 63, open-sided addition to existing sawmill pavilion.

Mr. Wyrick opened the public hearing at 7:38 p.m. and read the public notice into the record.

Mr. Havens presented the application to the Commission and explained that the project was the construction of a 28' x 40' shed abutting the existing sawmill pavilion. The structure will be 280' from the Housatonic River and 31' from the sideyard setback. Even though the application said "open-sided" addition, in reality there will be sides that can be removed during exhibitions so that participants can view the donation from the State. Mr. Winter asked if this would be a working exhibition and Mr. Havens replied that it would be.

Ms. Hayes advised the Commission that she had received approval from Torrington Area Health and the State had given Mr. Havens permission to appear before the Commission and approved of the project.

*Mr. Manes moved to close the public hearing at 7:48 p.m. Mr. Birnbaum seconded and the motion carried unanimously.*

*Mr. Birnbaum moved to accept the following waivers: 6, 8 and 9. Mr. Manes seconded and the motion carried unanimously.*

*Mr. Manes moved to approve Application #'s 44-22C and 45-22SP, Daniel Havens for State of Connecticut DEEP (CAMA), 31 Kent Cornwall Road, Map 9 Block 15 Lot 63, open-sided addition to existing sawmill pavilion. Mr. Birnbaum seconded. Mr. Winter asked that the approval address the fact that the structure will include sides that can be operable during exhibitions. Mr. Birnbaum seconded the amendment and the motion carried unanimously.*

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

- 6.B.1.** Application #43-22C, John Casey for Kent Green, LLC, 4 and 8-10 Landmark Lane, Map 19 Block 42 Lot 43, change of use from commercial to commercial/residential per §4123.11.

Mr. Casey came before the Commission to request a change of use for two buildings on Landmark Lane: #4 and #'s 8 – 10 from commercial to a mixed use of commercial/residential. With regard to building #'s 8 – 10, unit #8 would become a rental apartment while unit #10 would stay commercial until at least the end of July at which point in time Mr. Casey might come back to the Commission for another change of

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use to strictly residential. The purpose of changing #4 to a mixed use is because there are two separate entities who are interested in purchasing the building; one for a residential dwelling and possibly the tenant from #10 as a commercial.

There was a discussion regarding the number of residential units that are allowed on one lot within the Commercial Zone and the Commission determined that now was not the time for discussion about that and asked Mr. Casey to put that discussion on hold until he is closer to actually making a decision on the property.

*Mr. Manes moved to approve Application #43-22C, John Casey for Kent Green, LLC, 4 and 8-10 Landmark Lane, Map 19 Block 42 Lot 43, change of use from commercial to commercial/residential per §4123.11. Mr. Birnbaum seconded and the motion carried unanimously.*

- 6.B.2.** Appointment of Victor Lewis (term expiration date 8/10/2023) and Joanne Wasti (term expiration date 8/2/2024) to position of ARB member and Jonathan Moore (term expiration date 7/11/2024) and Jessica Pleasants to position of ARB alternate (term expiration date 7/11/2024).

Mr. Manes expressed concern that he did not receive any information on any of the proposed appointees and felt uncomfortable approving their appointments. Mr. Winter explained that he had been present when the appointees had come before the ARB and felt confident in the ARB's choices. Ms. Hayes shared the letters of interest so that Mr. Manes could get a better sense of the applicants' backgrounds.

*Mr. Manes moved to make the following appointments to the Architectural Review Board: Victor Lewis as a member with a term expiration date of 8/10/2023; Joanne Wasti as a member with a term expiration date of 8/2/2024; Jonathan Moore as an alternate with a term expiration date of 7/11/2024; and Jessica Pleasants as an alternate with a term expiration of 7/11/2024. Mr. Birnbaum seconded and the motion carried unanimously.*

- 6.B.3.** Discussion regarding use of engineering firm for proposed incentive housing zone application.

Ms. Hayes explained that the firm who might be presenting a project in the incentive housing zone had been looking for an engineering firm to help move the process forward and had been unsuccessful. In the past, the firm had consistently used Anchor Engineering which is the firm the Planning & Zoning Commission uses for their engineer review. Ms. Hayes said that she had checked with Attorney Zizka about this conflict and said that it would be okay for the firm to use Anchor Engineering and that the Town should look for another engineering firm for just this application. Ms. Hayes said that she had spoken with Mr. Rick Osborne, Highway Supervisor, who advised her that he uses Cardinal Engineering. The Commission agreed that Ms. Hayes should contact Cardinal about this one project and if they were not interested, she should reach out to Milone and MacBroom. She will report back to the Commission.

- 6.B.4.** Installation of electric vehicle charging stations; possible change to regulations.

Ms. Hayes advised the Commission that she had received a request to install two electric vehicle charging stations at the Kent School and reminded them that they had discussed the need to change the zoning regulations in order to exempt them from the definition of a structure. It was decided that Ms. Hayes

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begin the work of changing the definition with the help of Mr. Chalder and return to the Commission with the information at next month's meeting.

**7. STAFF REPORT:**

**7.A. Waiving of permit fees.**

The Commission did not agree with the waiving of the fees in this case so Ms. Hayes will send Ms. Connie Manes an email asking for the fee.

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

**8.A. POCD Subcommittee**

Ms. Winter reminded the Commission that the public informational meeting will be held at 7:00 p.m. on June 30<sup>th</sup>. Mr. Wyrick asked if the Commission could recommend additional information to be added to the POCD at that meeting and Mr. Winter said that would be the forum to do so. He continued that information had been put in the First Selectman's newsletter and that information was front and center on the Town's website.

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

Mr. Birnbaum told the Commission that their public forum will be held on June 22<sup>nd</sup> at which point in time they will be taking feedback from the general public. There will be another special meeting on July 27<sup>th</sup> and shortly after that they will submit the draft to P&Z for their signoff. He feels that the subcommittee is on track for their September deadline. Mr. Birnbaum said that Ms. Ayers has been sharing information with Mr. Chalder and that info had been added to the POCD. There will be mention of the fact that the Housing Plan will need to be revised in 5 years while the POCD will need to be redone in 10 years necessitating the reason for not including the Housing Plan in the POCD.

**9. OTHER COMMUNICATIONS AND CORRESPONDENCE:**

**9.A. Administrative Permits and Certificates of Compliance: May 10 to June 6, 2022**

The Commission accepted the document and had no comments.

**9.B. Letter to Mr. Wes Wyrick and the members of the Commission from Mr. Stan Greenbaum Dated May 12, 2022.**

Mr. Manes recused himself from this discussion.

*Mr. Winter moved to acknowledge receipt of the letter from Mr. Greenbaum. Ms. Hicks seconded and the motion carried unanimously.*

**9.C. Monthly Financials – July, 2021 through April, 2022**

Mr. Manes returned to the meeting for this discussion.

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The Commission accepted the document and had no comments.

Mr. Manes recused himself from the next two discussions.

- 9.D.** Letter from Mr. Stan Greenbaum to Wes Wyrick and the Planning & Zoning Commission dated June 7, 2022.

See motion under agenda item 9.E.

- 9.E.** Letter from Mr. Stan Greenbaum to Wes Wyrick and the Planning & Zoning Commission dated June 9, 2022.

*Mr. Winter moved to acknowledge receipt of both letters; one dated June 7, 2022, and one dated June 9, 2022. Mr. Chavka seconded and the motion carried unanimously.*

Mr. Manes returned to the meeting.

- 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.**
- 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.**
- 12. 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.**

*Mr. Manes moved to go into executive session at 9:27 p.m. to discuss agenda items 10, 11 and 12 at the same time. Mr. Birnbaum seconded and the motion carried unanimously.*

*The Commission came out of executive session at 9:56 p.m.*

- 13. 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.**

*Mr. Birnbaum moved to follow the recommendations of the Attorney and have Donna Hayes report back to the Commission as this matter progresses. Mr. Manes seconded and the motion carried unanimously.*

- 14. 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**

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Kent, Connecticut in the United States District Court for the District of Connecticut filed April 24, 2020.

*Mr. Birnbaum moved to follow the recommendations of the Attorney and have Donna Hayes report back to the Commission as this matter progresses. Mr. Manes seconded and the motion carried unanimously.*

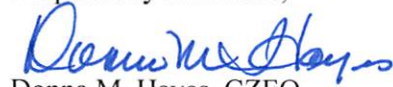
15. Open session involving discussion and possible action on Pending Litigation: Committee to Protect Rural Kent, LLC, Yewer, Dorothy and Yewer, David vs Town of Kent Planning and Zoning Commission, et al in Superior Court, Judicial District of Litchfield at Torrington dated December 21, 2021.

*Mr. Birnbaum moved to follow the recommendations of the Attorney and have Donna Hayes report back to the Commission as this matter progresses. Mr. Manes seconded and the motion carried unanimously.*

#### **ADJOURNMENT**

*Mr. Birnbaum moved to adjourn at 9:58 p.m. Mr. Manes seconded and the motion carried unanimously.*

Respectfully submitted,



Donna M. Hayes, CZEO  
Land Use Administrator

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**9 Peace Pipe Lane  
Sherman, Connecticut 06784**

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May 12, 2022

Mr. Wes Wyrick, Chairman and  
Members of the Kent Planning and Zoning Commission  
Town Hall  
Kent, CT 06757

RECEIVED FOR RECORD  
KENT TOWN CLERK  
2022 MAY 12 P 1:15  
BY *J. Bradley*  
TOWN CLERK

Dear Mr. Wyrick:

I am writing pursuant to the discussion, under item **6.B.5** of the agenda for the April 14, 2022 Kent Planning and Zoning Meeting, of possible violation(s), at my property at 247 Bull's Bridge Road in South Kent.

I have read the minutes of the meeting and I have transcribed the part of the ZOOM audio recording (I was not able to play back the video), where this discussion took place, approximately two hours and 39 minutes into the recording. The discussion lasted approximately 21 minutes.

I am writing to address the manner in which the complaint was brought before the Commission. For many years, it was my understanding that the policy of the Commission regarding complaints was that they were to be brought before the Commission at a regular meeting of the Commission by the complainant or made in writing by the complainant. In this instance, the Land Use Administrator, Ms. Donna Hayes says that this item "was on the agenda for a couple of reasons, one being at the request of Chairman Wyrick." "She continued that over the past year or so, she had received several complaints from neighbors and residents driving by" the property. In the recording of the meeting, Ms. Hayes states that she has "gotten two complaints regarding a number of things that have been going on at the site." She goes on to say that "there were pictures that were in your packet that were taken by the people complaining." The only photographs presented were taken from the property of Stacey Spence who owns 237 and 235 Bull's Bridge Road.

There is no mention in the recording of the meeting, either by Ms. Hayes or anyone else that this item was "on the agenda for a couple of reasons." There is also no mention on the recording that one of the reasons was "at the request of Chairman Wyrick." On the recording, Ms. Hayes says "I have gotten two complaints regarding a number of things that have been going on at the site." She did not say that "she had received several

*Copy*

complaints from neighbors and residents driving by” as it says in the minutes of the meeting. The minutes also report that “there are numerous vehicles on the property that appear to be inoperable” while the recording transcript indicates that she actually said “There’s a camper that’s there, there is a truck in the wetlands.”

The minutes of the meeting go on to say that “Mr. Stanley Greenbaum said that the driveway had been permitted by the Board of Selectmen in 1980.” What I said, based on the transcript was “When we built that driveway, we had to get permission from the Board of Selectmen to tie it into Bull’s Bridge Road.” This particular error is egregious because it was repeated in the April 25, 2022 minutes of the Inland Wetlands Commission. In the minutes of the Inland Wetlands Commission of April 25, 2022 under agenda item 4.C, Possible Notice of Violation, Stanley Greenbaum, 247 Bull’s Bridge Road, it says “Mr. Greenbaum replied that he had the soil boundaries identified in 1980; the driveway is not part of a wetland and *he received permission from the Board of Selectmen back in 1980 to put the driveway in...*” In fact, what I said, based on the transcript of that meeting, was “we had to get permission from the Board of Selectmen to join Bull’s Bridge Road at the east end of the property.” (41 minutes, 58 seconds into the recording).

There are numerous additional errors in the statements made by the Land Use Administrator, Ms. Donna Hayes. I bring these to your attention because to approve the minutes of the meeting of April 14, 2022 with these errors in place would do harm to the credibility of the Commission as well as to me and my property rights.

I will address the other issues raised by agenda item 6.B.5 in a subsequent letter when I have received all of the documents that I have requested from the Planning and Zoning Commission, the Conservation Commission, the Inland Wetlands Commission and the Board of Selectmen.

I would like to address Mr. Winter’s question regarding the driveway width at the east end of the property where it joins Bull’s Bridge Road. What is seen in the photograph is, in fact, two driveways that had been separated by a wire fence for more than 40 years. For most of that time, I believed that the driveway to the east went with the small cottage now owned by Ms. Stacey Spence. When she applied for a variance to her side lot line with the Zoning Board of Appeals, she needed my agreement to get the variance. At that time, I learned that the cottage was 9’ from the property line and that the stone wall adjacent to the cottage was on the line. I then learned that the previous property owner had a survey done showing the correct lot lines. I had a survey done last summer that confirmed that finding. When I learned that the “cottage driveway” was on my property, I had the wire fence removed and took out the Japanese knotweed that had been growing along the fence. That existing driveway was on the property line and had been there for at least 50 years. I have since covered part of it and planted grass where part of the driveway had been. The apron for that driveway was not paved,

suggesting that it dated back to the time when the cottage was built, possibly in the 1930's. I will check the land records.

When Ms. Spence approached me about granting the variance for constructing an addition to her cottage, I said that I would agree on the condition that an evergreen plant screen be planted along her side of the property line. Since my son, Dan Greenbaum, is an arborist, we offered to assist her in obtaining the plants wholesale and we said that he would be willing to do the installation without charge.

When we were doing the last of the cleanup on the southeast corner of the property last December, we offered to do the planting that week while we had machinery and people available to do the work. Ms. Spence demurred saying it would have to wait. It snowed a few days later and we stopped working on the cleanup for the winter. The removal of the knotweed and dead trees left the remaining scrap more open to view in a winter when there wasn't much snow.

I respectfully request that this letter be read into the record at the Planning and Zoning Commission meeting on May 12, 2022.

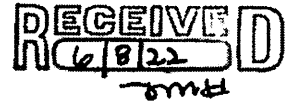
Cordially,

A handwritten signature in black ink that reads "Stan Greenbaum". The signature is fluid and cursive, with the first name "Stan" being more prominent than the last name "Greenbaum".

Stan Greenbaum

cc: Town Clerk

AGENDA ITEM 9.D.



**9 Peace Pipe Lane**  
**Sherman, Connecticut 06784**  
Phone: (860) 354-2454 FAX: (860) 354-0054  
Cell: (203) 512-6200  
Email: sgreenbaum@uchicago.edu  
June 7, 2022

Mr. Wes Wyrick, Chairman and  
Members of the Kent Planning and Zoning Commission  
Town Hall  
Kent, CT 06757

Dear Mr. Wyrick and Members of the Commission:

I am writing to request that the minutes of the April 14, 2022 meeting of the Kent Planning and Zoning Commission be amended to reflect accurately what was said at the meeting, particularly with regard to item 6.B.5 of the agenda. The minutes, as written, reflect negatively on "the possible violation(s) at my property at 247 Bull's Bridge Road." With the letter I wrote on May 12, 2022 in hand, it is easy to listen to the recording of the meeting to ascertain the accuracy of what I have objected to.

1. The minutes state that Ms. Hayes says that this item "was on the agenda for a couple of reasons, one being at the request of Chairman Wyrick." This statement was not made at the meeting and ought to be deleted from the minutes.
2. The minutes say "She (Ms. Hayes) continued that over the past year or so, she had received several complaints from neighbors and residents driving by" the property. In fact, she said she has "gotten two complaints" but she goes on to say that "there were pictures that were in your packet taken by the people complaining." The only photographs that were in the packet were photos taken from the neighbor's properties at 235 and 237 Bull's Bridge Road, indicating that, in fact, there was only one complainant. The minutes should be amended to reflect that there was one complainant.
3. The minutes state that "there are numerous vehicles on the property that appear to be inoperable." What was actually said at the meeting was "There's a camper that's there, there's a truck in the wetlands." (On June 2, 2022, Cynthia Rabinowitz, Executive Director and Soil Scientist of the Northwest Conservation District came to the property and determined that the part of the property where the truck and camper were parked was not a wetland.) The minutes

should be amended to reflect that there was a truck and a camper parked in an area Ms. Hayes believed was a wetland.

4. The minutes state that I said "that the driveway had been permitted by the Board of Selectmen in 1980" suggesting that I don't know what administrative body would be responsible for such a permit. What I said was "When we built that driveway, we had to get permission from the Board of Selectmen to tie it into Bull's Bridge Road." The minutes ought to be amended to reflect what I actually said.
5. There was a discussion at the meeting as to whether there was a violation of the regulations at all since there is no blight regulation in the Planning and Zoning Regulations. There is no reference to this in the minutes and there ought to be.

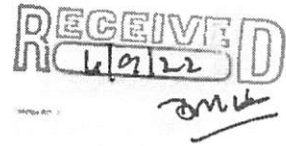
As I stated in my letter of May 12, 2022, I bring these amendments to the minutes to your attention because to approve the minutes of the meeting of April 14, 2022 with these errors in place would do harm to the credibility of the Commission as well as to me and my property rights.

Cordially,

  
Stan Greenbaum

Cc: Darlene Brady, Town Clerk  
Jean Speck, First Selectman, Town of Kent  
Lynn Werner, Chairman, Inland Wetlands Commission  
Wes Wyrick, Chairman, Planning and Zoning Commission  
Michael Ziska, Esq.

# AGENDA ITEM 9.E.



**9 Peace Pipe Lane**  
**Sherman, Connecticut 06784**  
Phone: (860) 354-2454 FAX: (860) 354-0054  
Cell: (203) 512-6200  
Email: sgreenbaum@uchicago.edu  
June 9, 2022

Mr. Wes Wyrick, Chairman and  
Members of the Kent Planning and Zoning Commission  
Town Hall  
Kent, CT 06757

RECEIVED  
TOWN CLERK  
2022 JUN -9 A 11:54  
BY J. Blach

Dear Mr. Wyrick and Members of the Commission:

On June 7, 2022, I wrote to you requesting that the minutes of the April 14, 2022 meeting of the Kent Planning and Zoning Commission be amended to reflect accurately what was said at the meeting, particularly with regard to item 6.B.5 of the agenda. I erred in my third request. Ms. Hayes *did not* say that she "*believed*" the area where the truck and camper were parked was a wetland. She stated that the area *is* a wetland.

#3 in my letter of June 7, 2022:

The minutes state that "there are numerous vehicles on the property that appear to be inoperable." What was actually said at the meeting was "There's a camper that's there, there's a truck in the wetlands." (On June 2, 2022, Cynthia Rabinowitz, Executive Director and Soil Scientist of the Northwest Conservation District came to the property and determined that the part of the property where the truck and camper were parked was not a wetland.) The minutes should be amended to reflect that there was a truck and a camper parked in an area Ms. Hayes stated was a wetland.

Ms. Hayes statement that the truck and camper were parked in a wetland is particularly reprehensible in light of the staff report that she submitted to the Commission on April 14, 2022 where she detailed more than 60 documents that are in the property file for 247 Bull's Bridge Road, one of which is a letter from Kenneth C. Stevens, Jr., Land Use Planner and Soil Scientist who did an Inland Wetland Identification and Impact Analysis on Properties of Chamberlain and Greenbaum on September 14, 1979. In a report to the Kent Conservation Commission on October 22, 1979, addressed to Paul Abbott, under the Summary of Existing Conditions, item #3, he states "The wooded area east of the watercourse on the Greenbaum property is partially wetland. The non wetland area is moderately well drained...." I have attached a copy of that report from Mr. Stevens.



In reviewing the transcript that I wrote, taken from the ZOOM recording of the April 14, 2022 Planning and Zoning Commission meeting, I found that Ms. Hayes did make the following statement "I was asked by the Chairman of the Planning and Zoning Commission to put this on the agenda." Therefore, my first request for an amendment to the minutes should be rescinded.

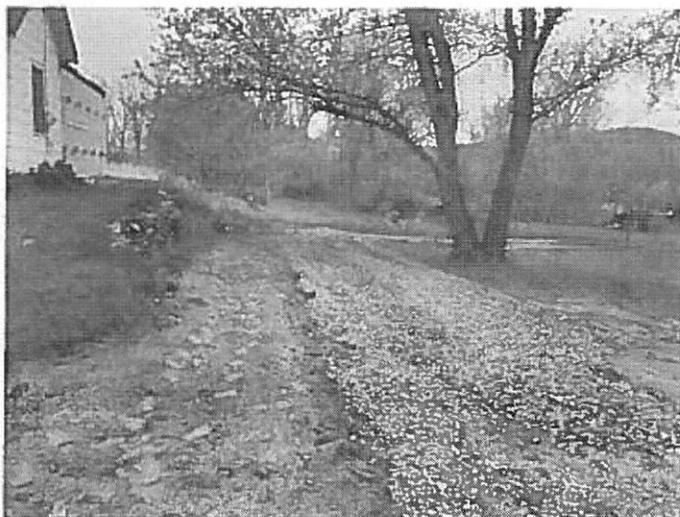
I am making two additional requests for amendments to the minutes that I missed in my letter of June 7, 2022.

1. The minutes state, at the end of paragraph 2 under section 6.B.5 that I said "that there should be no wetland issues since (the) he had the property surveyed by a wetland soil scientist back in the '90's." I did not make that statement. I did say "This property was examined by a soil scientist (Mr. Stevens) in 1980 (actually, September 14, 1979) as a result of a complaint by Arthur Chamberlain of Bull's Bridge Inn. The date is wrong by 10 years and I didn't say that there were "no wetland issues." In fact, I gave a lengthy explanation of what the wetland issues had been at the time (1979 – 1980).
2. The minutes state that "Mr. Weingarten said that he has driven past the location many times, believes it is an eyesore and would not like to be the one living next door." In fact, what Mr. Weingarten said was "Can I ask, when I look at these pictures, the property would still be an eyesore and if I was a neighbor, I would be miserably unhappy with the way it looks, but what in our regulations does sort of an eyesore violate, what specific regulations are there that we can say 'You must clean up this property because it looks terrible?'"

This matter was first brought to the attention of the Commission on April 14, 2022 as a "possible violation." Though all materials and cleanup operations were completed by on or before May 5, 2022, there was no further report to the Commission regarding this "possible" violation. There is no mention in the minutes of the Planning and Zoning Commission of May 12, 2022 that this work was completed and that the two 10 cubic yard roll-off containers had been removed as well.



9E



Cordially,

Stan

Greenbaum

Stan Greenbaum

Cc: Darlene Brady, Town Clerk  
Jean Speck, First Selectman, Town of Kent  
Lynn Werner, Chairman, Inland Wetlands Commission  
Wes Wyrick, Chairman, Planning and Zoning Commission  
Michael Ziska, Esq.

Kenneth C. Stevens, Jr.

968 COLEMAN ROAD  
CHESHIRE, CONNECTICUT 06110

LAND USE PLANNER  
SOIL SCIENTIST

October 22, 1979

Kent Conservation Commission  
Town Hall  
Kent, Connecticut 06757

Dear Mr. Abbott:

Re: Inland Wetland Identification and Impact Analysis on  
Properties of Chamberlain and Greenbaum (land adjacent  
to and including Bull's Bridge Inn).

On September 14, 1979 I inspected a regulated wetland area located to the east of the Inn and extending to the north and south of the Inn property. The purpose of the inspection was to identify the extent of the wetlands, the soil types within the wetlands and effects of activities that occurred within wetlands on water quality, flora and fauna and flow.

SUMMARY OF EXISTING CONDITIONS

1. Water flow in the intermittent watercourse commences north of Bulls Bridge Road and passes through a culvert on to the Greenbaum property. Water during heavy rains flowing along the road surface is causing erosion on the road bank.
2. The water flows southerly across the Greenbaum property to the Chamberlain property. Wetland soils were identified on both sides of the watercourse. The portion of the wetland west of the watercourse had recently been cleared of native vegetation, slightly graded and seeded with lawn grasses. The watercourse had been placed in a shallow channel in its original location. The channel had nearly stabilized itself and grass cover was becoming established. In a few spots storm water had washed away grass seed and caused rill erosion.
3. The wooded area east of the watercourse on the Greenbaum property is partially wetland. The non wetland area is moderately well drained. The area provides moderate habitat value for wildlife. Old channels can be identified in the wetland portion of the site.
4. The Chamberlain property in the area surrounding the pond was probably once a wetland. It apparently was filled years ago when the pond was dug. The lawn area west of the pond appears to contain depressions that cause ponding during

Member: Soil Conservation Society of America, Soil Science Society of America and  
Society of Soil Scientists of Southern New England.  
Associate Member: American Institute of Planners

storms. The pond appears to be too small (surface area) and possibly too shallow to support significant aquatic life. Presently a tree is laying in the water. The outlet pipe from the pond may be partially blocked.

5. The watercourse and wetland south of the Chamberlain property has been greatly altered by filling. The wetland area has been completely filled behind the commercial building. The watercourse is contained during low flow in an open narrow ditch. In at least one place bedrock was observed on the bottom of the ditch.

6. The culvert under Bulls Brook Road (Rte 7) contains a large amount of sediment which may be effecting water flow.

### SOIL TYPES

Wareham loamy fine sand, nonacid variant (Wmx) - The Wareham soil is a poorly drained glaciofluvial soil with a sand and gravel subsoil. This wetland soil type occurs on the Greenbaum property, north of the Inn. It has been recently disturbed, generally to a depth of 12 inches. The amount of disturbance is insufficient to classify the area as Made Land (Ma). Some small areas of alluvium were seen near the watercourse.

Made Land (Ma) - Where the soil has been filled or otherwise disturbed to a depth of 20 inches or more the land is no longer identified by soil type, but rather by land forms. According to the Inland Wetland Statutes only soil types are used to identify wetlands. Therefore, the area behind the Inn and commercial area to the south is no longer a wetland.

Pond and Intermittent Watercourse - Waterbodies and watercourses are regulated under the Statutes.

### IMPACT ANALYSIS

The act of clearing wetland vegetation, shallow regrading of wetland soils and channelizing a watercourse have caused an obvious change to the biological composition of a wetland area. If the lawn grasses are mowed the area will continue to be devoid of most wetland biological species. If the area was not maintained, in time wetland plant materials might invade the grassed area and wetland flora and fauna would then be reestablished. However, it is also likely that *Fragmites* grass would take over the disturbed area and then wetland species could not become established. Since *Fragmites* is present it is likely that it would become the dominant species.

Sedimentation due to construction (grading) has nearly stabilized itself. Some patching with additional grass seed is advisable.

### CONCLUSIONS

Activities conducted on the Greenbaum property without a permit may have caused a small amount of sedimentation during the construction period, but further significant sedimentation is unlikely. The activity would not appear to cause increased flooding problems to adjacent neighbors to the south. However, further activities should not occur unless a permit is granted.

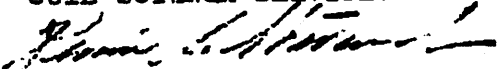
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page 3

Filling activities in the past south of the Inn could adversely effect water flow in the intermittent watercourse. An engineered channel, designed to carry water past the commercial property without flooding should be constructed to protect the property owner. Deepening the channel would further protect the commercial building but would also make it possible to improve drainage on the Chamberlain property.

Yours very truly,

SOIL SCIENCE SERVICES

  
Kenneth C. Stevens Jr.  
Principal Soil Scientist