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By Darlene Brady at 11:39 am, Aug 12, 2022

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 via zoom on Thursday, August 11, 2022, at 7:00 p.m.

1. CALL TO ORDER

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

2. ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED

Commissioners Present: Wes Wyrick, Chairman; David Birnbaum, Karen Casey, Darrell Cherniske, Alice Hicks, Adam Manes, Anne McAndrew, Marc Weingarten (until 8:00 p.m.), Matthew Winter

Staff Present: Donna Hayes, LUA

Mr. Wyrick elevated Ms. McAndrew to voting status.

3. READING AND APPROVAL OF MINUTES:

3.A. Regular Meeting Minutes of July 14, 2022.

Mr. Weingarten moved to approve the Regular Meeting Minutes of July 14, 2022 as presented. Mr. Cherniske seconded and the motion carried unanimously.

4. PUBLIC COMMUNICATIONS (ORAL):

Cheryl and Jack Kinney, 21 Upper Kent Hollow Road, we present to address the ongoing construction at the property known as "0 Upper Kent Hollow Road". Ms. Hayes explained that she has been working with the contractor on the property who explained that progress will be quickly made now that he has been pulled off of a project on Lake Waramaug. Ms. Kinney asked if there is a plan for the property and Ms. Hayes replied that once the hillsides are stabilized and planted with grass mats, the contractor will begin work on the silting pond. Once that is done, the property will be leased to a local dairy farmer. The Kinney's expressed their concern for the amount of truck traffic and length of the project.

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With regard to the property across the street from the one mentioned above, Ms. Hayes explained that she had met with the property owner and Attorney Manasse regarding the tree work that has been done. Ms. Hayes told the property owner that he must close in the driveway entrance that was created to do the tree work as there had been no permit issued for it and would not be in the future due to the sight lines. She said that the property owner was instructed to contact a surveyor to find a new location for the driveway; contact an engineer and Torrington Area Health District to begin the process of constructing a new single-family dwelling; and to put up “No Trespass” signs to keep the dirt bikers off of the property.

The Kinney’s thanked the Commission for their time.

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 began the discussion by explaining the draft regulation she had created for the Commission’s review. She explained that there were topics that were left blank in order to generate discussion about how to best condition the proposed special permitted use. Mr. Wyrick commented that he did not think creating a regulation was the best way to go since it would open up the rest of the rural district to this type of use. He asked Commission members to think about this from a planning perspective and said that he would not be opposed to leaving this use as pre-existing non-conforming or at least creating an overlay district that was proposed by the property owner’s attorney. It was noted that leaving this a pre-existing, non-conforming use would require the property owner to appear before the Zoning Board of Appeals.

After discussion, it was decided to keep this on the agenda and Mr. Wyrick asked that the Commission review what was submitted, think about the use from a planning perspective and come back with their recommendations/comments to the next regular meeting.

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

The Commission reviewed the proposal from Mr. Chalder of Planimetrics. Ms. Hayes explained that the items that were highlighted were done so to encourage discussion. The Commission began their discussion with item #6 in the “Provisions” section by asking why the front yard setback was not addressed and thought that it might be a good idea to add it along with a statement that would give some discretion to the Commission.

With regard to #9 in the “Provisions” section, it was requested that the word “entertainment” be removed as some of the Commission members did not understand its meaning.

It was decided that the Commission members review the proposal and submit questions/comments to Ms. Hayes that she can forward on to Mr. Chalder. Ms. Hayes said that she would ask Mr. Chalder to attend the September meeting for final discussion.

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- 5.B.3.** Preliminary discussion, Virginia Bush-Suttman, 8 Bluff Road, Map 19 Block 15 Lot 38, conversion of detached “boat house” to accessory dwelling unit.

Ms. Hayes explained that she had received the information from the surveyor right before the beginning of the meeting and had not had a chance to look it. She was not even sure if the property owner had an opportunity to review the information and suggested that this agenda item be continued to the next regular meeting.

Mr. Birnbaum moved to continue Preliminary discussion, Virginia Bush-Suttman, 8 Bluff Road, Map 19 Block 15 Lot 38, conversion of detached “boat house” to accessory dwelling unit to the next regular meeting. Mr. Cherniske seconded and the motion carried unanimously.

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

No action taken.

7. STAFF REPORT:

Ms. Hayes reported that the Land Use Administrator job was posted on the Town’s website with a close date of today at 4:00 p.m. It was also posted on the CAZEO website and the ListServ for planners. There were two applications/resumes submitted and she was hoping to get the Hiring Sub-Committee together for interviews one afternoon next week.

8. REPORT OF OFFICERS AND COMMITTEES:

8.A. POCD Subcommittee

Mr. Winter informed the Commission that the comments that were made at the public informational meeting had been incorporated into the POCD. The hope was to meet next week to review the changes made by Mr. Chalder before presenting it to the full Commission at their next meeting. Unfortunately, not all of the members of the sub-committee will be available so Ms. Hayes will be doing a doodle poll for a different date.

8.B. Affordable Housing Plan Subcommittee

Mr. Birnbaum reported that the final draft had been created and was open to comment until August 31, 2022. The final plan will be submitted to the Planning and Zoning Commission during the September 8th meeting. The next step would be submission to the Board of Selectmen for final approval and eventual submission to the State.

9. OTHER COMMUNICATIONS AND CORRESPONDENCE:

9.A. Administrative Permits and Certificates of Compliance:

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Ms. Hayes explained that she had not included the information in this packet but next month's packet will contain two months' worth of permitting information.

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

Information received.

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.**

Mr. Wyrick moved to go into executive session at 8:23 p.m. to discuss agenda items 10 and 11 at the same time. Mr. Birnbaum seconded and the motion carried unanimously.

The Commission came out of executive session at 8:39 p.m.

12. 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.

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

13. 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. Cherniske seconded and the motion carried unanimously.

ADJOURNMENT

Mr. Birnbaum moved to adjourn at 8:40 p.m. Mr. Winter seconded and the motion carried unanimously.

Respectfully submitted,

Donna M. Hayes

Donna M. Hayes, CZEO
Land Use Administrator

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