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By Darlene Brady at 9:23 am, Jan 16, 2024

**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, January 11, 2024, 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; Karen Casey, Sarah Chase, Darrell Cherniske, Shelby Green, Chris Harrington, Alice Hicks, Anne McAndrew (7:07 pm), Tony Palumbo

Staff Present: Tai Kern, Land Use Administrator
Donna Hayes, Assistant Land Use Administrator

Mr. Wyrick elevated Mr. Palumbo to voting status.

Ms. Chase moved to add item 6.B.4. to the agenda. Mr. Cherniske seconded and the motion carried unanimously.

3. READING AND APPROVAL OF MINUTES:

3.A. December 14, 2023 Special Meeting

Mr. Cherniske moved to approve the December 14, 2023 Special Meeting minutes as submitted. Ms. Casey seconded and the motion carried unanimously.

3.B. December 14, 2023 Regular Meeting

Mr. Cherniske moved to approve the December 14, 2023 Regular Meeting minutes as submitted. Ms. Casey seconded and the motion carried unanimously.

**TOWN OF KENT PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES FOR JANUARY 12, 2023**

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4. PUBLIC COMMUNICATIONS (ORAL):

No action taken.

5. OLD BUSINESS:

There was no old business.

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

5.B. DISCUSSION AND POSSIBLE DECISION:

6. NEW BUSINESS:

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

There were no public hearings.

6.B. DISCUSSION AND POSSIBLE DECISION

6.B.1. Application SC1-23, Town of Kent (Brown), Skiff Mountain Rd. (527), Map 7, Block 17, Lot 6, Scenic Road Alteration for the removal of trees to meet sight line requirements. *(hold for referrals)*

Mr. Wyrick reminded the Commission that based on the Scenic Road Ordinance, referrals from the Inland Wetlands Commission and the Conservation Commission were required before their Commission could act. Ms. Kern advised those present that both Commissions had supplied positive referrals.

Ms. Chase moved to schedule the public hearing for February 8, 2024. Mr. Cherniske seconded and the motion carried unanimously.

6.B.2. Application 131-23A, Mason F. Lord, Jr., 27 Maple Street, Map 19, Block 42, Lot 40, Change of Use from residential to office.

Mr. Lord, property owner, was present to address the Commission. He advised the Commission that he purchased the house in December and needs to change the existing use of residential to office so that he can run his business out of the structure. There will be employees who will be coming in and out of the building during the day. The previous owner used the back barn for storage of his equipment; Mr. Lord would like to do the same. With regard to the parking, he will need 7 spaces and those 7 spaces are shown on the map submitted with the application. Mr. Palumbo asked how many spaces were in front of the barn and Mr. Lord said that there will be 2 spaces, but they can add one or two more. Two to three people will be in the office with the other 3 coming in and out. Mr. Lord said that he will be in the office most of the time, but will also be coming and going. Ms. Green asked whether or not the parking spaces comply with the required sizes. Mr. Lord said that there are two driveways; one on the east and one on the west side. There will be 3 parking spots on the right totaling 54'; there might be a 4' shortage. Mr. Harrington asked if there was room to park on the road. Mr. Lord said that there could be parking for one truck or two cars. Ms. Chase asked if cars can pass around the parked cars in the driveway. Mr. Lord said that you could. Ms. Chase asked if there will be deliveries. Mr. Lord said that the only deliveries would be UPS or FedEx. Those delivery vehicles could park on the road. There will be no heavy equipment parked on the property. Ms. Kern said that she was satisfied with the application.

Mr. Cherniske moved to approve the waivers as requested. Ms. Chase seconded and the motion carried unanimously.

Mr. Cherniske moved to approve Application 131-23A, Mason F. Lord, Jr., 27 Maple Street, Map 19, Block 42, Lot 40, Change of Use from residential to office. Ms. Casey seconded and the motion carried unanimously.

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6.B.3. Application 01-24, Katherine Kane (Lintner), Skiff Mountain (501) and Gidd Lane, Map 7, Block 18, Lot 3,4,5,8,9,10, Timber thinning and salvage within Horizonline

Ms. Kern advised the Commission that this application had gone before the Inland Wetlands Commission for approval and it is now before them for Horizonline approval. The Town of Sharon has been notified. Mr. Lintner said that he spoke with the Town of Sharon to make sure that they had received the notification.

Ms. Chase asked if there will be additional planting done after the cutting. Mr. Lintner said that they will not be planting. Mr. Cherniske asked about discretionary cutting and asked what trees they will pick. Mr. Lintner said that the oaks would remain. Mr. Cherniske asked how much will be cut in order to get the oak regeneration. Mr. Lintner said that the best way would be to go to a single tree selection process. The next step would be to go to a more of a sheltered wood process. Ms. Chase asked when this will be done and Mr. Lintner said that he will be doing it during the summer. Mr. Cherniske said that frozen ground would be the best scenario but that has not happened. Ms. Hicks asked if the cutting will be spaced evenly. Mr. Lintner replied that most of the cutting will be on the lower elevation and the amount of cutting on the higher elevation will be less. Mr. Harrington asked how many truck loads will come out. Mr. Lintner replied that it would be between 90 and 100 truck loads. Mr. Harrington asked where the loading zone will be. Mr. Lintner said that there will be two locations; one on the owner's road and the other location will be off the end of the old Gidd Lane. Ms. Green if this tree damage was something that will be happening throughout the Town. Mr. Harrington said that many areas in the northwest corner have been affected. Ms. Chase asked if the land will be monitored for regrowth. Mr. Lintner said that it is state land and will be monitored by them. Mr. Wyrick asked if the wood could be used and Mr. Lintner said that it will be used. If they waited any longer to do the cutting, there is a possibility that some of the wood could not be used.

Ms. Chase moved to approve the waivers as requested. Mr. Cherniske seconded and the motion carried unanimously.

Mr. Cherniske moved to approve Application 01-24, Katherine Kane (Lintner), Skiff Mountain (501) and Gidd Lane, Map 7, Block 18, Lot 3,4,5,8,9,10, Timber thinning and salvage within Horizonline. Ms. Casey seconded and the motion carried unanimously.

6.B.4. Opinion, Kent Land Trust (Sarah Lang), 170 Kent Rd., Construction of high tunnel within floodplain

Ms. Hicks, Mr. Cherniske and Mr. Harrington recused themselves from this discussion. Mr. Wyrick elevated Ms. McAndrew to voting status.

Ms. Kern explained that the Kent Land Trust is requesting an opinion on the installation of a high tunnel within the floodplain. Information was submitted by the applicant that a high tunnel is exempt because it is a temporary structure and will be used for agricultural purposes. They are also asking for an exemption on the engineering requirement that is required by the Floodplain Regulations due to an agricultural exemption. Ms. Kern said that she spoke with the Building Official and included the Building Code excerpts regarding this matter in the public drive.

Ms. Chase asked what the purpose of the high tunnel was. Ms. Sarah Lang explained the difference between a greenhouse and a high tunnel and said that it will mainly be used to grow their tomato crop. She also said that the sides of the high tunnel can be rolled up. Ms. Manes advised the Commission that even with all the rain that this area has had, the area where the high tunnel is proposed has not flooded. Ms. Chase asked if the structure would be up all year and Ms. Lang replied that it would be taken down for the winter. Ms. McAndrew asked if it would be used to protect equipment. Ms. Lang said that based on the guidelines of their grant, it could not be used to store equipment. Ms. Lang explained the high tunnel will not be placed in the same location as the existing greenhouse. Water will be supplied from hoses run from the greenhouse.

Mr. Wyrick said that the purpose of the floodplain regulation is for safety and he does not see how this could impact the general public. Mr. Palumbo agreed with Mr. Wyrick.

Ms. Kern said that there is no formal application yet as this application is a request for an opinion by the applicant and the determination she was looking for from the Commission was whether or not they considered it exempt from the floodplain

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regulation. Mr. Wyrick said that he felt it should be exempt. Ms. Chase added that it would be a temporary structure. Ms. McAndrew agreed.

Ms. Chase moved to approve the request of Opinion, Kent Land Trust (Sarah Lang), 170 Kent Rd., Construction of high tunnel within floodplain based on the fact that it is a temporary structure and an agricultural use that is exempt from the floodplain regulations. Ms. Green seconded and the motion carried unanimously.

7. STAFF REPORT

Ms. Hicks, Mr. Cherniske and Mr. Harrington returned to the meeting.

Ms. Kern advised the Commission that the entire Commission has achieved their training requirement and that this information has been submitted to BoS via First Selectman Lindenmayer. She also advised them that the new permitting program system is up and running as of Monday, January 8th.

8. REPORT OF OFFICERS AND COMMITTEES

No action taken.

9. OTHER COMMUNICATIONS AND CORRESPONDENCE

9.A. Administrative Permits and Certificates of Compliance

The information was received; no action taken.

9.B. Affordable Housing & Conservation in NWCT – P&Z Commission Representative Required

Ms. Kern explained that Ms. Jocelyn Ayers of Affordable Housing & Conservation in NWCT, contacted Mr. Winter looking for a P&Z Commission Representative; he referred her letter to Ms. Kern. Ms. Kern said that she put the information in the public meeting folder and if anyone was interested, they should contact Ms. Ayers for more information. Ms. Manes, said that she was also part of this not-for-profit group and if anyone was interested, they can contact her. Ms. Green said that she had spoken to Ms. Manes and it was determined that she will represent the Commission.

9.C. Correspondence: Group and Family Home Day Care Zoning Regulation Amendments

Ms. Kern advised the Commission that Ms. Chase had supplied some additional information regarding the group and family home day care zoning regulation. Ms. Chase said that she had spoken to another town who was in the process of rewriting their regulation and wanted to share that information with the Commission.

9.D. Discussion regarding in-person meetings

Mr. Wyrick said that he felt it was time to return to in-person meetings and asked for the Commission's feelings. Mr. Cherniske expressed strong support for virtual meetings because it affords access to non-applicants. If a hybrid meeting will not offer too many challenges, he would go for that. Ms. Casey said that she always liked the in-person meetings but was concerned about driving at night during the winter. She would be prefer to discuss it in the spring when the weather was better but could work with whatever was decided. Ms. Hicks said that she likes zoom and would not want to go back to just in-person meetings; she would do hybrid. Ms. McAndrew likes the zoom meetings because she cannot hear when she is in the large room. Ms. Green said that she shares Ms. Hicks view and her schedule better accommodates zoom meetings. Ms. Brown, a member of the public, said that it would be a shame not to be able to zoom in for a matter before the Commission. Mr. Wyrick said that after hearing what everyone said he believes that they will stay the course. Ms. Chase added that she also travels and being able to participate via zoom is beneficial to her.

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- 9.E. Possible appointment of ARB Members for the following terms:
Regular Member expiring 8/2/24 (opportunity to move up existing alternate)
Alternate Member expiring 7/11/24

Ms. Kern said that Ms. Casey has a couple of people who are interested in joining the ARB. Mr. Jeffrey Morgan, who is very well versed in architecture, said he would definitely be interested. The other possible candidates have not gotten back to Ms. Casey with a definitive answer so she did not feel free to share their names at this time. Ms. Chase asked if there was any procedure to replace member. At present, there is no procedure. Ms. Kern suggested that Mr. Jonathan Moore be elevated to member status and that Mr. Morgan be added as an alternate. Mr. Wyrick asked that Ms. Kern contact Mr. Moore to make sure that he would be willing to become a member.

Ms. Chase move to appoint Jeffrey Morgan to the alternate seat on the ARB, expiring July 11, 2024. Mr. Cherniske seconded and the motion carried unanimously.

10. **EXECUTIVE SESSION:** Pending Litigation: CT Judicial Branch Supreme/Appellate Case, Docket #: AC45972, High Watch Recovery Center, Inc. v. Town of Kent Planning and Zoning Commission.

There was no new information so the Commission did not enter into Executive Session.

11. Open session involving discussion and possible action on Pending Litigation: CT Judicial Branch Supreme/Appellate Case, Docket #: AC45972, High Watch Recovery Center, Inc. v. Town of Kent Planning and Zoning Commission.

No action taken.

12. **ADJOURNMENT**

Ms. Hicks moved to adjourn at 8:04 p.m. Mr. Cherniske seconded and the motion carried unanimously.

Respectfully submitted,

Donna M. Hayes

Donna M. Hayes
Assistant Land Use Administrator

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