



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

SPECIAL MEETING MINUTES

The Planning and Zoning Commission held a special meeting on Tuesday, July 27, 2021 via zoom.

1. CALL TO ORDER

Mr. Winter called the meeting to order at 6:01 p.m.

2. ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED

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

Staff Present: Donna M. Hayes, LUA

3. NEW BUSINESS:

3.A. DISCUSSION AND POSSIBLE DECISION:

- 3.A.1.** Authorization of a temporary special event to be held at Club Getaway, 59 South Kent Road, Map 5 Block 40 Lot 3, to be held July 30 to August 1, 2021.

Ms. Hayes explained that this special meeting was set up for the Commission to decide whether or not the planned activity at Club Getaway would be considered a special event requiring a permit. She explained that the owner of Club Getaway had rented the property to an organization to run a festival beginning on Friday, July 30th through Sunday, August 1st. This activity had just become known to Ms. Hayes on Friday of last week.

Ms. Ashley Torres, Program Director, was present to address the Commission and explain the logistics of the festival. She explained that they were limiting the guests to no more than 800 people. At the time of the meeting, they had only sold 400 tickets. She considers this festival a meditation and wellness retreat. The layout of the club would be two separate stages; one closer to the lake which will be closed at 9 pm and the other up the hill in the wooded area. Ms. Torres said that splitting the activities on the two stages would minimize noise disturbance. Mr. Andrew Barrows, professional sound engineer, explained how the speakers on each of the stages would be directional speakers and the sound would be limited to decibels no louder than a common conversation. He doubted that the neighbors would hear the same level of noise that they hear during other Club activities.

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Ms. Torres said that the age of the attendees is 21 and above; there would be alcohol sales; the bars would be opened on a rotating basis with alcohol sales ending at 2 a.m. Parking would not be an issue and the original plan of using the parking area for campsites has been scrapped. The owner/promoter, Avi Rosenberg, has been in contact with the Kent Volunteer Fire Department and the festival organizers would be providing their own EMT's. The plan is to have 3 on duty on rotating 4-hour shifts. There are two UTV's and 4 mini-golf carts that can be utilized in the case of an emergency. Ms. Jean Speck informed Ms. Torres that according to CT state law, they cannot hire their own individual emergency staff and are required to use the primary provider of emergency services.

Mr. Barrows commented that he specializes in noise mitigation and that this system is similar to a noise cancellation headphone; you will hear some noise. He will be on site for the duration of the festival and if anyone has an issue with the sound, he will either turn it down or turn it off. His goal is to make the noise as less impactful as possible and would provide his personal contact information to anyone who would like it.

Mr. Manes asked if the guests would just be coming for the day. Ms. Torres explained that the guests would be there for the weekend. Friday afternoon/evening is a meet and greet with most people arriving at that time. There will be some guests arriving on Saturday when most of the activities will occur and the festival would be over on Sunday.

Mr. Winter read Mr. John Johnson's letter into the record (see attached) and at this point in the meeting residents Lynn Hennessy, Haig Nargesian, Ken Deeds, Katherine Deeds and Michelle Deeds commented. Ms. Hennessy said that she did not think this festival was anything out of the ordinary and did not require a special event permit; Mr. Nargesian asked how they expected the noise to stay within the woods as the sound would echo and reverberate off the face of the mountain; the Deeds' complained about the constant noise and Mr. Schreiber's lack of response to their calls and texts. It was also noted that the promoters failed to present this information in a timely fashion and the Commission should not be forced into making a decision and setting precedent. Some felt that what was advertised is in sharp contrast to what has been said so far.

In response to some of the comments, Mr. Barrows replied that the sound would be absorbed by the ground. Ms. Torres explained again that there would be no activities centered around the lake and that is why the second stage was being constructed in the woods.

The Commission agreed that the conversation had gotten off point and Mr. Manes made the following motion:

Mr. Manes moved the question about whether or not the Commission members in attendance believed that this is a special event and warranted a temporary permit. Mr. Weingarten seconded the motion.

During discussion, Mr. Winter elevated Ms. McAndrew to voting status. Ms. Hick agreed that the conversation had gotten off track. Mr. Winter agreed that this does not fit within the existing special permit under which Club Getaway operates and would require a temporary special event permit. Mr. Winter clarified that the Commissioners still participating in the meeting were Marc Weingarten, Karen Casey, Ann McAndrew, Alice Hicks, Adam Manes and himself; Wes Wyrick had dropped out of the meeting at some point in time.

After discussion, the motion carried unanimously.

During discussion, it was stated that Club Getaway does not sell alcohol. Mr. Schreiber clarified that he is not considered a camp with the State of Connecticut and does have a liquor license.

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Ms. Hicks asked if the Commission should be considering the same questions that are considered during the approval of a special permit: traffic; health and welfare and whether or not the Commission could ask for written statements from those organizations. Mr. Winter asked Mr. Rosenberg if he had contacted the fire department and the ambulance. He responded that he had conversations with Mr. Epstein and that he was coordinating with him. In addition to the conversation regarding the event, it was agreed that the Kent Volunteer Fire Department would have a booth at the event in order to recruit new members.

Ms. Hayes asked Mr. Rosenberg if he had spoken with Mr. Epstein in his capacity as a KVFD representative or as the Deputy Emergency Management Director because if he was responding as the Deputy Emergency Management Director, the conversation should not be considered as a response from the fire department and the ambulance corp.

Ms. Casey asked if it would be possible to require signoffs from the fire department and the ambulance and put a restriction on the hours. She does not feel that it would be right to have music all night long.

Mr. Schreiber explained that Club Getaway does have an emergency action plan with regard to communication to the fire department and State Trooper Fisher. He continued by advising those present that his staff will be on site during the entire event and that they are trained on parking and clear access way requirements as well as an evacuation plan. This information is repeated every Monday during their emergency drills. Mr. Winter asked if those practices would remain in place for this festival and Mr. Schreiber replied that they would 100% be in place.

Mr. Winter asked Mr. Schreiber how many vehicles they could park on the property. Mr. Schreiber replied that they could park up to 500 vehicles. He uses a calculation of 3 people/car so based on 400 attendees, he would need 135 parking spaces. Calculating that out to a projected 1,000 attendees, it was determined that 334 cars would require parking. Mr. Schreiber replied that the lower parking lot could handle that and that all cars will be parked before the arches.

Mr. Winter asked about traffic safety coming in and going out of the festival. Ms. Torres replied that they would provide 30 security personnel who will be circulating throughout the festival and that prior to the start of the festival they would be required to handle the parking and check in. It was noted that the security that would be in place is familiar with Club Getaway and with a spread-out arrival time between 2pm and 7pm, they do not anticipate a rush of cars entering the facility. There are no plans to direct traffic outside of Club Getaway along South Kent Road. Ms. Torres added that they do have shuttle buses for groups of 20 or more and that right now they have 2 or 3 buses scheduled to arrive at the Club from New York City.

Mr. Manes asked about departures. Ms. Torres said that the music is scheduled to end at 11 a.m. and that checkout would run from then until 4 p.m. Spreading out the checkout time will help alleviate a rush to leave the Club property. Further to the checkout process, Mr. Schreiber stated that people will need a shuttle down to the parking lot from the key drop location. He continued that this is done for two reasons; making sure everyone is sober and will not drive drunk and that they are leaving happy with the experience. This helps to spread out the departure times so there will not be an influx of traffic onto South Kent Road.

Mr. Winter asked if they had contacted the Fire Marshal. Ms. Hayes explained that she had worked with Stan MacMillan, the Town's Fire Marshal and that he had visited the site this afternoon. Mr. MacMillan told Ms. Hayes that he worked with Mr. Barrows, who he finds to be very professional. Ms. Hayes advised the Commission that a building permit application had been submitted for the construction of the temporary stages and will be inspected by both the Fire Marshal and the Building Official before the festival can begin.

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Ms. Hicks asked if excessive noise is part of the health and welfare consideration. Ms. Hayes explained that there is no noise ordinance. She continued that she had spoken with Trooper Andrew Fisher and his advice was to those bothered by the noise to call 911. A trooper will be dispatched and if the noise is not reduced, then an arrest can be made for breach of peace. Ms. Torres said that it won't be necessary due to Mr. Barrows and his technology and that the festival will not be as much of a bother as is being assumed.

Mr. Weingarten asked if conditions such as no music past 1:00 a.m. could be put in place if the permit is approved. Ms. Casey agreed. Ms. Hayes asked how the time limits would be enforced. She reminded the Commission that Attorney Zizka has always said that conditions must be attainable. Mr. Schreiber said that he would make sure any conditions of approval were properly followed and enforced. Mr. Manes asked if there could be conditions since this was not a special permit. Mr. Winter said that he believes the regulations give the Commission latitude to do so. Ms. Torres asked that the Commission give them an opportunity and suggested that they attend a sound check to see how it works.

Ms. McAndrew asked Mr. Schreiber how long music continued on a normal event weekend. Mr. Schreiber said that there is a band that plays from 9:15 pm and 10:30 pm. After that, the music is moved into the boathouse, which is sound proof, and lasts until 1:30 a.m. A resident took exception to that and Mr. Winter agreed that the noise level is an important consideration. Mr. Barrows stated that the location of the boathouse on the lake makes the noise level problematic because the lake amplifies the noise. There will be representatives around the lake monitoring the sound making sure that the decibels remain between 50 and 65 which is equivalent to a private conversation.

Mr. Winter again commented that he believes that the regulation gives the Commission broad latitude to establish conditions of approval for a temporary special event and that these deliberations and feedback from the community were important in establishing the conditions. He believes that both the organization and property owner have gone to some lengths to consider the impacts off of the property. While there was some lag in time with regard to the application process, everyone is working on it now. Mr. Winter suggested that any conditions of approval should allow the applicants to proceed as planned for Friday night and if there are complaints from the neighbors, there would be a reduction in the hours of operation to 1:30 a.m. on Saturday night.

Ms. McAndrew commented that Ms. Torres was making this festival sound like a prayer meeting and that the Commission has to think about the neighbors. She feels that allowing music until 1:30 a.m. is pushing the envelope; music on Sunday morning is pushing the envelope and that the Commission needs to come to some conclusion.

Having no other comments from either those in attendance or the Commission, Mr. Winter said that at this point in time he was looking for a motion from the Commission to: not authorize; authorize; or, authorize with conditions. Mr. Manes said that they are doing a lot to address the sound and the neighbors' concerns. He likes the fact that 500 people might be coming into Town but he is feeling rushed through this. This special meeting was set up to accommodate them and he feels that the Commission is being pushed along. Mr. Manes continued that if they had come to the Commission a month ago there would have been more discussion and more opportunity to impose stipulations. He is disappointed that the promoters couldn't be bothered to come in to Town Hall to see what was needed to move forward and that is not okay.

Ms. Torres said that she understands but that they were new to this process since they were not affiliated with this festival last year. Mr. Nargesian said that being ignorant of the law is not an excuse and he hopes that the Commission will not let this stand as precedent.

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Mr. Winter commented that he does not believe that this is setting precedent and that the Commission is doing what they would have done one week ago or one month ago. He does not believe that the Commission is being forced into anything.

Mr. Weingarten said that he is very sympathetic to what Mr. Manes said, but also thinks this kind of event is good for Kent and that it's a shame they didn't come sooner. Having said that, Mr. Weingarten moved the following motion:

Mr. Weingarten moved to have the Planning and Zoning Commission authorize this special event provided that formal signoff is received from the Kent Volunteer Fire Department by Friday stating that they are fine with the special event; formal signoff is received from the Emergency Services that they are fine with the special event; and that all music shall end at 1:00 a.m. Ms. Casey seconded.

During discussion Mr. Winter asked if he meant Emergency Services or the Ambulance Corps. Mr. Weingarten said that he was referring to the Kent Volunteer Ambulance Corps. Ms. McAndrew asked if he would be willing to amend his motion to state that the music would end at midnight and that there would be no Sunday morning music. Mr. Weingarten replied that he feels 1 a.m. was reasonable. Mr. Winter said that Ms. McAndrew brings up a good point and asked if there should also be a start time. Ms. Hicks said that it looks like it's a night driven program and as a Commissioner, she believes that the Commission has every right to put limits on when things finish. She is unsure on how to phrase the motion to include start times. Mr. Weingarten suggested, "Friday night no later than 1:00 a.m. Saturday; not start before Saturday at 9:00 a.m. and not past midnight Saturday and cannot start before 9:00 a.m. Sunday morning". Mr. Winter asked if Ms. Casey if she was okay with the amended motion and she replied that she was and seconded the amended motion.

Mr. Winter said that he looked favorably on giving them a chance to use the engineer to keep the decibels low. He continued that he would be comfortable letting them continue as they proposed for the first night to see how it works out.

Ms. McAndrew asked Mr. Weingarten to repeat the motion:

Mr. Weingarten moved to give authorization for the special event subject to getting formal signoff from the Kent Volunteer Fire Department and the Kent Volunteer Ambulance Service and that the music not go past 1:00 a.m. Friday night/Saturday morning; not start again before 9:00 a.m. Saturday; not go past midnight Saturday night and not start again before 9:00 a.m. Sunday morning.

With no further comments, Mr. Winter called the vote. Ms. Casey, Ms. Hicks and Mr. Weingarten voted for; Ms. McAndrew, Mr. Winter and Mr. Manes voted against. Motion does not carry; the authorization is not given.

Mr. Winter stated that he voted against the motion because he felt that there should be more latitude given to the event relative to limiting the music for Friday night into Saturday.

Mr. Manes stated that he voted against the motion due to the lack of notice of the application.

Ms. McAndrew stated that she voted against the motion due to the lack of notice.

Mr. Winter said that there were a couple of options: the motion can stand and the event is not authorized; or another motion can be made.

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Mr. Weingarten asked Mr. Winter to make another motion offering the flexibility he is looking for. Mr. Winter said that as chair he does not like to make motions.

Mr. Winter moved to authorize the special event with approval from the Volunteer Fire Department and Ambulance Corps with the added stipulation that if there are more than 5 complaints after 1:00 a.m. on Saturday morning that the music will end on Saturday night at midnight and not start before 9:00 a.m. on Sunday. Mr. Weingarten seconded.

Ms. McAndrew asked when the music stops on Sunday. Mr. Winter said that they informed the Commission that the music will end at 11:00 a.m. Sunday which is the official end time of the festival.

Ms. Hicks asks if 3 complaints can come from the same household and that maybe 1 complaint is enough. Mr. Winter said that he chose 5 as it is completely subjective. It seems as if the organizers and the property owners know that the neighbors are not happy with the noise that is generated from Club Getaway. Mr. Weingarten suggested “5 households”. Mr. Winter asked that the motion be amended to say “5 separate households”.

Ms. Hayes asked who they would complain to. She stated that Mr. Schreiber said he would accept the calls and be the “enforcer”. It was added that Mr. Barrows said he would commit to providing his information for complaints but Mr. Winter did not think that the neighbors would be comfortable complaining that way and stated that the motion should stand as amended.

With no further comments, Mr. Winter called the vote. Ms. Casey, Ms. Hicks, Mr. Weingarten and Mr. Winter voted for; Ms. McAndrew voted against; and Mr. Manes abstained. Motion carries.

Ms. McAndrew voted against due to the lack of notification.

Mr. Winter told the applicants that the Commission was taking a leap of faith and that he hopes that the property owner and the promoter takes the concerns of the Commission to heart and the concerns of the neighbors to heart. He would as a member of the Commission and the community he would be terribly disappointed to learn that the mitigation plans did not work and that the neighbors were disturbed in the middle of the night.

Ms. Torres commented that she appreciated the Commission letting them try and prove to that they would do their best. She asked who the complaints would go to. Mr. Winter said that the neighbors could complain to Mr. Schreiber but in most cases, the complaints would go straight to the State Police. Mr. Barrows said that he would be willing to post his details so that he could assure that the sound is lowered should there be any complaints.

ADJOURNMENT

Mr. Manes moved to adjourn at 8:35 p.m.

Respectfully submitted,

Donna M. Hayes

Donna M. Hayes, CZEO
Land Use Administrator

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