

**RECEIVED**

By Darlene Brady at 12:12 pm, Nov 13, 2023



**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, November 9, 2023 beginning at 7:00 p.m.

**1. CALL TO ORDER**

Chairman Winter called the meeting to order at 7:01 p.m.

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

Commissioners Present: Matthew Winter, Chairman; Karen Casey, Darrell Cherniske, Chris Harrington, Alice Hicks, Adam Manes, Wes Wyrick

Mr. Winter elevated Mr. Harrington to voting status.

Staff Present: Tai Kern, Land Use Administrator

Mr. Winter welcomed incoming member elect Sarah Chase and prospective incoming member Larry Dumoff to the meeting. Depending on a recount to be held on Monday, November 13, 2023, Ms. Chase and Mr. Dumoff will be sworn in on November 21<sup>st</sup> and will be seated at the December meeting.

*Mr. Manes moved to add item #9.F to the agenda. Mr. Cherniske seconded the motion. Mr. Wyrick abstained due to the timing of the receipt of the letter. The motion passed.*

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

**3.A. October 12, 2023 Regular Meeting.**

*Mr. Manes moved to approve. Mr. Wyrick seconded and the motion carried unanimously.*

**3.B. October 16, 2023 Special Meeting**

*Mr. Manes moved to approve. Mr. Wyrick seconded and the motion carried unanimously.*

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### **3.C. November 2, 2023 Special Meeting**

*Mr. Manes moved to approve. Mr. Wyrick seconded and the motion carried unanimously.*

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

Mr. Kapetanopoulos, a business owner in Kent, asked how other food service businesses are assigned parking since new businesses or businesses that are expanding have been using the parking spaces in front of his restaurant. Mr. Kapetanopoulos asked how the new businesses are receiving more tables with no concern for parking and used Gifford's, Wilson's and Kingsley's outdoor tables as an example. Mr. Winter responded that the Commission looks at the existing parking as well as parking on Route 7 and feels that the parking along Route 7 should be discussed with the Commission at another meeting after Ms. Kern has the opportunity to do some research. Mr. Kapetanopoulos said that he would like to be a participant in that discussion. Mr. Winter said that there are parking regulations that should be adhered to and a future discussion with the business owners would be beneficial. Ms. Kern reminded the Commission that they had just adjusted the parking regulation and that maybe the changes are too lenient. She continued that all the new applicants have met the regulations but the new regulation might need to be tweaked.

#### **5. OLD BUSINESS:**

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

- 5.A.1** Application #s 97-23SP & 98-23C, Virginia Bush Suttman, 8A Bluff Road, Map 19, Block 15, Lot 38, Conversion of existing structure to a deed restricted detached dwelling unit accessory to a two-family dwelling in the VR1. **(applicant consent rec'd to extend close of PH to 12/14)**

The public hearing continued at 7:25 p.m. Ms. Kern informed the Commission that Ms. Bush-Suttman was called out of town and did not attend the most recent Sewer Commission meeting. She continued that the applicant submitted a letter consenting to the extension of the public hearing to December 14, 2023. Mr. Winter asked if the deed restriction had been filed and Ms. Kern said that will not happen until the Commission approves the application. Mr. Winter asked if Kent Affordable Housing was okay with the handling of the applicant submissions and Ms. Kern said that Mr. Potter had spoken affirmatively on that at the last meeting. There were no questions from the Commission or the general public.

*Mr. Wyrick moved to continue Block 15, Lot 38, Conversion of existing structure to a deed restricted detached dwelling unit accessory to a two-family dwelling in the VR1. (applicant consent rec'd to extend close of PH to 12/14). Mr. Cherniske seconded and the motion carried unanimously.*

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

- 5.B.1** Application 105-23C, MKN Property Holding, LLC, 5 South Main Street, Map 19, Block 12, Lot 5, Mixed residential and commercial use for apartment above retail.

Mr. Wyrick recused himself from this discussion.

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Mr. Winter advised the Commission that ARB approval was received as was the Sewer Commission approval.

*Mr. Manes moved to close the public hearing. Mr. Cherniske seconded and the motion carried unanimously.*

*Mr. Cherniske moved to approve the requested waivers. Mr. Manes seconded and the motion carried unanimously.*

*Mr. Manes moved to approve Application 105-23C, MKN Property Holding, LLC, 5 South Main Street, Map 19, Block 12, Lot 5, Mixed residential and commercial use for apartment above retail. Mr. Cherniske seconded and the motion carried unanimously.*

## **6     NEW BUSINESS:**

Mr. Wyrick returned to the meeting.

Mr. Cherniske recused himself from this discussion. Mr. Harrington recused himself from this discussion.

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

- 6.A.1** Applications 110-23SP & 111-23C, Carolyn Millstein, 80 Treasure Hill Rd., Map 11, Block 34, Lot 37, Expansion of accessory building located in area between principal building and public street less than 100 ft from front line.

Mr. Winter opened the public hearing at 7:36 p.m. and read the legal notice into the record.

Ms. Kern explained that the application is for the expansion of an existing accessory structure that is located 100' from the front property line. Her concern is that there is another accessory dwelling unit on the property and the Commission should be aware that this expansion should not include habitable space which would create a second ADU/Guesthouse that is not permissible per the Regulations.

Ms. Millstein, property owner, advised the Commission that the pool house was on the property when they purchased the property. When they went to paint it, they noticed that the structure had rot so they decided in addition to any repairs, they would use this time to make the structure larger by enclosing the front covered patio and sliding the structure back 8' from the existing pool and building an additional covered patio. The structure will also be taller. Ms. Millstein confirmed that the accessory dwelling unit already on the property was attached to the garage and the proposed alterations to the existing pool house will not include a kitchen. Mr. Winter confirmed that it does get closer to the front property line but does not encroach on the property line. Mr. Millstein commented that there is a berm with trees that provides screening during the summer.

There were no comments from the Commission or the public.

Mr. Winter confirmed the waivers that are outlined in the application; there were no comments.

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

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*Mr. Manes moved to accept the waivers as requested. Mr. Wyrick seconded and the motion carried unanimously.*

*Mr. Manes moved to approve Applications 110-23SP & 111-23C, Carolyn Millstein, 80 Treasure Hill Rd., Map 11, Block 34, Lot 37, Expansion of accessory building located in area between principal building and public street less than 100 ft from front line. Mr. Wyrick seconded and the motion carried unanimously.*

**6.A.2** Applications 112-23SP & 116-23C, Ellen & Charles Cogut, 25 Bulls Bridge Rd, Map 6, Block 38, Lot 4, Expansion of accessory building into a guest house located in front yard between principal building and street.

Mr. Harrington and Mr. Cherniske returned to the meeting at this point in time.

Mr. Winter opened the public hearing at 7:51 p.m. and read the legal notice into the record.

Ms. Kern explained that the proposal would be to add 2 floors and 2 bedrooms to an existing structure. The reason the proposal is before the Commission is because the structure is in front of the principal dwelling. She asked that the Commission address the screening and the construction of a “wet bar”.

Mr. Winter asked if the Commission had any specific feelings about “kitchen facilities”. Mr. Manes said that in the past the ability to cook within the structure was what (unofficially) defined an accessory dwelling unit.

Ms. Ellen Cogut, property owner, said that there will be no cooking capabilities in the addition as she does the cooking at the main house.

There were no comments from the public.

Mr. Winter said that the addition to the existing structure will be coming off the side and towards Bulls Bridge Road and wondered if that will change the view requiring additional screening. Mr. Manes said that he drives past it all the time and has never seen the existing structure and does not think anyone will see the difference. Ms. Cogut agreed. Mr. Wyrick said that the structure will be 400’ to 500’ feet from Bulls Bridge Road. Ms. Casey asked if you could see the house from Bulls Bridge Rd. Mr. Harrington agreed with Mr. Wyrick that the addition will be far from the road and said that the addition will be closer by 35’. Mr. Manes and Mr. Harrington said that they did not think additional screening would be required but questioned whether the South Kent School playing field would be able to see it.

Mr. Winter asked about the shared driveway with 21 Bulls Bridge Road. He asked if their view would be affected. Ms. Cogut said that they are not be able to see the existing structure so they will not see the addition.

Mr. Winter asked if the Commission was okay with the requested waivers; there were no questions.

*Mr. Wyrick moved to close the public hearing at 8:08 p.m.. Mr. Manes seconded and the motion carried unanimously.*

*Mr. Manes moved to accept the waivers requested. Mr. Wyrick seconded and the motion carried*

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*unanimously.*

*Mr. Manes moved to approve Applications 112-23SP & 116-23C, Ellen & Charles Cogut, 25 Bulls Bridge Rd, Map 6, Block 38, Lot 4, Expansion of accessory building into a guest house located in front yard between principal building and street. Mr. Wyrick seconded and the motion carried unanimously.*

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

- 6.B.1** Application 109-23C, Paul Rajeckas & Julianne Dow, 23 Maple Street, Map 14, Block 42, Lot 38, Change of Use from Residential to Mixed Use Residential and Personal Service.

Mr. Harrington recused himself from this discussion.

Ms. Kern explained that this property has gone through several changes of use with the most recent change to residential. The proposal is to change the use from residential to residential/personal service in order to provide classes such as yoga. The question to be considered is the placement of the signage which is approximately 5' from the sidewalk. After review, Ms. Kern said that all the signage along that portion of the roadway is similarly placed.

Ms. Dow said that most of the classes are online with rare visits for personal coaching. Mr. Winter said that the application fits within the regulations and the POCD. He would like to discuss the signs and asked Ms. Kern if she agreed that adding the sizes of the signs would fall in line with the signage size requirement. Ms. Kern agreed but said that the location was her question. Mr. Winter said that since the sign location is pre-existing he concentrated on the size.

*Mr. Manes moved to accept the waivers as requested. Mr. Wyrick seconded and the motion carried unanimously.*

*Mr. Manes moved to approve Application 109-23C, Paul Rajeckas & Julianne Dow, 23 Maple Street, Map 14, Block 42, Lot 38, Change of Use from Residential to Mixed Use Residential and Personal Service. Mr. Wyrick seconded and the motion carried unanimously.*

### **6.B.2 Approval of 2024 Regular Meeting Schedule**

Mr. Harrington returned to the meeting at this point in time.

*Mr. Wyrick moved to approve 2024 Regular Meeting Schedule as presented. Ms. Casey seconded and the motion carried unanimously.*

- 6.B.3** Application 118-23C, Kent Green, LLC, 14 Kent Green Blvd, Map 19, Block 42, Lot 8, additional unit/change of use to bakery/retail

Mr. Harrington asked Mr. Casey, property owner, what building this change of use will impact. Mr. Casey said that it was 10/12/14 Kent Green Boulevard across from Union Savings Bank. He explained that the building mainly contained restaurants but over time the spaces were re-configured to spaces that were not restaurants. The building has traditionally been three separate units but during the last renovation of the building, the kitchens, with the exception of one, were removed and the other three spaces were leased for

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commercial use. This proposed renovation would create a 4<sup>th</sup> unit in this building. There will be no exterior changes; all changes will be interior. Mr. Casey said that the tenant will operate out of the kitchen for internet sales; local delivery or delivery through UPS with an occasional handoff out the door; and no table or chairs. The door to the unit will be on the east side of the building facing Ace Hardware. Mr. Wyrick asked if there were sidewalks. Mr. Casey responded that there are few sidewalks on the north side of the shopping center, but there is complete access to the door. Mr. Harrington asked about parking. Mr. Casey replied that the Kent Green has a little over 400 parking spaces with 4 parking spaces right outside the door and since there will be no table service there should be no additional need for parking. With regard to truck traffic, Mr. Casey said that there was always truck delivery and he does not anticipate an increase in truck traffic.

Mr. Winter asked for an explanation of the uses within the building. Mr. Casey replied that his office is located there, Kent Kitchens has a small office as does a photographer which he feels requires lower parking requirements. Mr. Casey said that he feels there would be plenty of parking within the Green. Mr. Winter agreed. Ms. Kern explained that there were 16 spaces allocated to that building which meets the requirement. She did say that she was confused with regard to the actual square footage as listed on the tax assessor's card. Mr. Casey explained how the square footage is divided within the units which helped clear up the confusion for Ms. Kern.

Mr. Winter asked if a loading area was needed for this change. Mr. Casey said that when Ace Hardware has a delivery, it will block up that area for a short period of time. Mr. Wyrick said that when this was a restaurant, this door received the deliveries. Ms. Kern recalculated the parking requirements based on the discussion with Mr. Casey and determined that this use will meet the parking regulation requirements.

*Mr. Wyrick moved to approve Application 118-23C, Kent Green, LLC, 14 Kent Green Blvd, Map 19, Block 42, Lot 8, additional unit/change of use to bakery/retail and to approve the waivers as requested. Mr. Harrington seconded. During discussion Ms. Casey asked if "retail" should be included in the change of use. Mr. Casey said that there is a possibility that someone might stop buy to pick up a birthday cake, but they would not be invited in for a cup of coffee. Ms. Hicks asked how they would classify catering. Mr. Winter said that he would not consider that retail and felt the owner of the business as well as the building owner were keeping their options open for a future change. The motion carried unanimously.*

## **7. STAFF REPORT**

Ms. Kern reminded the Commission that she was asked to ask the Board of Selectmen for clarification of their determination with regard to meetings. She said that the clarification she received was that the decision to have in person, hybrid or Zoom meetings was being left up to each individual Commission. The only requirement by Statute for this Commission is the recording of meetings. Mr. Winter suggested that the decision be postponed until the December meeting since there will be a new Commission makeup at that point in time. Ms. Kern reminded the Commission that they will be electing new officials as well as approving their By-Laws during the December meeting.

Ms. Kern said that the Land Use Office had been informed that it had been misinterpreting the conservation easement requirements. She verified this with Attorney Zizka and explained that originally, the way to handle conservation easements was regulated by a public act. This public act was amended and eventually converted to a State Statute which slightly changed the requirement. Atty. Zizka said that the wording on the application can remain but as advisory and not to be used as a reason for denial; the property owner is responsible for working with the easement holder and not the Land Use Office. Ms. Kern continued that

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Atty. Zizka had checked the regulations and there is no requirement for the Land Use Office to consider easements. If the Commission feels differently, the regulations can be changed. Ms. Kern said that they will keep the language on the zoning application as advisory and will not be using it in the decision-making process.

Mr. Winter said that regarding the comment that the Commission will have a different make up in December, he wanted to say that he trusts those people responsible for the counting of the votes, trusts that they have done their job and does not anticipate any change to the results after the Monday recount.

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

No action taken.

## **9. OTHER COMMUNICATIONS AND CORRESPONDENCE:**

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

No comments were made.

### **9.B. Club Getaway- Baseline Preliminary Discussion and Correspondence**

Mr. Winter said that he asked Ms. Kern to put this on the agenda for discussion based on the new regulation regarding camps. He asked the Commission if anyone had any comments on what was submitted by Mr. Schreiber. Mr. Wyrick said that it was good to have and pretty thorough. Mr. Winter said that he felt the correspondence from Mr. Schreiber's attorney was confusing and asked if they thought Ms. Kern should send it to Atty. Zizka for review. Ms. Kern said that Mr. Schreiber shared it with her so that everyone would be on the same page with regard to the pre-existing, non-confirming use. She continued that Mr. Schreiber will be at the meeting in December to discuss and at that time the Commission can decide whether or not it should be sent to Atty. Zizka. Ms. Casey agreed with Mr. Winter and thought it would be a good idea to have Atty. Zizka review and interpret. Ms. Hicks said that she would like to have Atty. Zizka review it now; Mr. Harrington agreed; Mr. Manes said that any letter from an applicant's attorney that is confusing should be reviewed by the Commission's attorney. Mr. Harrington believes that Mr. Schreiber's attorney is just trying to protect this non-conforming use and the new regulation is to make this property conforming. Mr. Winter agreed. Mr. Wyrick said that it wouldn't hurt to send it to Atty. Zizka and noted that the new regulation asks for a baseline. Ms. Kern said that she will send it off to Atty. Zizka. Mr. Cherniske asked if Mr. Schreiber sent in a baseline, does that mean that he is in conformance? Mr. Winter said that this baseline does bring him into conformance since it becomes what will be permitted within the regulation and any changes would have to come before the Commission. Mr. Manes said that he would be very upset if Mr. Schreiber wants to remain non-conforming based on the number of hours that has been spent coming up with the new regulation. Mr. Winter commented that the creation of the new regulation was something that the Commission wanted based on the POCD. Mr. Manes said he felt it was at the request of the property owner and not the Commission.

### **9.C. Special Events – 9300.11 draft revision**

Mr. Winter reminded the Commission that they had asked Mr. Chalder to look at the special events regulation because of the application that had been presented and subsequently withdrawn by the Riney's. He asked the Commission for their feedback and said that he did not think it needed to be changed since it

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had just been written. Mr. Winter asked Ms. Kern if the proposed changes would make her job easier. She responded that it eases the concerns of the neighbors and gives the Commission additional criteria. Mr. Wyrick said that this applies to everyone in Town. Mr. Cherniske said that he agrees with Mr. Wyrick and felt it should be left alone. Mr. Winter said that he agrees with Mr. Wyrick and Mr. Cherniske and that the regulation allows them the discretion they want. Ms. Hicks said that the Commission has the ability to discern the proposal based on the regulation and suggested that they wait on this. Mr. Winter agreed and suggested that Ms. Kern keep this on the list of regulations to look at. Ms. Casey agreed.

**9.D. High Watch – Traffic Study Submission per Resolution**

Ms. Kern reminded the Commission that the Resolution of Approval required that a traffic study be completed 7 months after operation. The report was submitted but it does not appear to satisfy the requirements of the Resolution. Ms. Kern spoke with Mr. Tom Willis, a representative for High Watch, who said that he will have the report adjusted to correctly reflect the timeline under which the traffic study was completed.

Ms. Kern also advised the Commission that because of this agenda item, a neighbor submitted a letter on November 8 which is included in the public meeting folder.

Mr. Manes said that he was confused with the information that was submitted. Ms. Kern said that one traffic study was done in 2018 and that was also included in the public meeting folder providing the Commission with the full information.

Mr. Winter said that he was confused by the comment made by the neighbor with regard to truck traffic as it does not align with the traffic study.

**9.E. CT Federation of P&Z Fall 2023 Newsletter**

No comment.

**9.F. Kent Falls Brewing – Correspondence received November 8, 2023**

Mr. David Birnbaum, property owner, explained that the letter summarizes what was discussed as well as specific requests and how they can be achieved. This letter is included in the public meeting folder.

Mr. Birnbaum said that for 2024 the first request would be to increase the size of pours. They are not looking to expand the hours. The other restrictions come from the State of Connecticut, the Fire Marshal and the property itself.

The second request would be for the approval to sell snacks/pre-packaged class I foods. He said they are not looking for snacks equivalent to the golf course or the private schools.

In addition, they would like to increase the number of smaller events on the property. The final piece would be the ability to have a short-term rental on the property. Mr. Birnbaum said that there are others throughout the Town and he is not on property and cannot run the house as a B-N-B but would still like to be availed of the income stream.

Mr. Birnbaum finished up by stating that these are the things that his customers have requested and would like

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to understand how the Commission feels. He continued that there are other things that would require longer term conversations but these 4 items are the most current. Mr. Birnbaum said he would like the Commission's thoughts on whether or not these fit within the current permits or might be considered under a regulation rewrite.

Mr. Wyrick commented that Mr. Birnbaum had previously withdrawn this similar request and asked if he was basically resubmitting that request. Mr. Birnbaum said that he would reapply but it would be within the scope of what exists or possibly through a regulation rewrite. The first request he feels falls within the scope of the permit and the size of pours could be determined by the Commission; the third request would fall within the Commission for a decision.

Mr. Winter clarified with Ms. Kern that the Commission had already determined what was approved and that if the Commission were to make a different decision now, the original approval would have to be modified. Ms. Kern agreed but said that for most of this discussion, the Commission should not be talking about the bed-n-breakfast as that was not part of the initial approval of the brewery. She considered the original approval as a manufacturing use and that the new request moves more to the hospitality / entertainment avenue.

Mr. Winter wanted to clarify whether or not Mr. Birnbaum's request would require an application or a discussion. Mr. Wyrick said that he feels this is restarting what was originally requested via public hearings and he did not think the Commission should give them a blessing without going through the process especially since they withdrew their initial request. Mr. Winter asked if the 3 requests fit within the regulations or not. Mr. Wyrick said that what they are talking about now is the same as what they had requested before and that Ms. Kern had given her determination. Mr. Winter asked if the brewery would come before the Commission with a request for an 8-ounce pour would the Commission consider this to be allowed within the regulations. Ms. Hicks said that the Commissioners are not business managers and that discussing the amount of the pour is a business decision and not the use of the land. Mr. Winter said that Ms. Hicks was correct but considered that to be the second step. Ms. Hicks said that she does not feel that it does and therefore requires a change to the regulations. Mr. Manes said that when the Commission went through the creation of the regulation, they went through a lot of consideration because it was a commercial operation in the rural zone. The regulation, when it was written, worked but then the property owner came in with requested changes based on the growth they were experiencing. Mr. Manes' question is, when does the Commission stop addressing all of these changes. Mr. Cherniske said that the residents of Carter Road have the same exact question. Mr. Harrington clarified that the applicant was the one who requested the 2-ounce pours. Mr. Manes agreed with that statement and added that they also wanted to be able to provide growlers to the local liquor stores. Mr. Wyrick agreed with Mr. Manes. Mr. Manes said that the approvals were done following serious discussions and hours of deliberations. Mr. Winter said that the question is whether or not the brewery can come before the Commission with an application to change the size of the pours or come before them with a change of the regulations.

Mr. Winter referred the Commission to section 3234.6.b. which does not quantify a pour so the question is whether or not they can come back to ask for the increase or if the regulation should be further defined to say what a tasting is. Mr. Wyrick agreed since the regulation is not specific. Mr. Winter asked the Commission what they would like to do. Based on their comments, Mr. Winter feels that most of the Commissioners feel that a tasting is equivalent to 2 ounces. Mr. Manes said the real question is whether or not the Commission wants to allow a bar in the rural district when the regulations or the POCD don't allow it or encourage it.

With regard to the first request by the property, Mr. Winter asked if it would be fair to say that the Commission does not feel that a normal pour would be more than 2 ounces. The Commissioners had no comment.

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With regard to the food request, Mr. Winter asked if the approval would allow a class I food license. Mr. Wyrick said that the regulations do not allow for that so, therefore, it is not allowed. Mr. Manes agreed. Mr. Winter asked if they would be allowed to do that if they had a farmstore special permit approval. Mr. Manes said yes. Mr. Winter asked if it would be possible for the property owner to come forward with an application for a farmstore. Ms. Hicks clarified that the POCD stresses the importance of keeping Kent rural and that this discussion could lead toward the Commission being business managers and not land use advisors.

With regard to the 3<sup>rd</sup> request about additional special events, Mr. Winter asked if the Commission would consider that part of the special permit. Mr. Wyrick suggested that they apply for a modification. Mr. Winter agreed.

Mr. Winter said that the short-term rentals fall within the allowable, as of right use for a residential structure. Ms. Kern further explained that if the property owner wants to rent their house, the use has to be the same i.e., a family renting to a family not a family renting to a group of people for a use other than residential. Ms. Kern said that during conversations with Atty. Zizka and Mr. Chalder, the best way to regulate them might be through a Town Ordinance. Mr. Manes said that the current use would need to be changed. Ms. Kern said that a single-family use is a permitted use and that if the property owner does not abandon its use as a bed-and-breakfast they can just rent it out as a single-family dwelling. Mr. Manes asked why there is a regulation for a bed-and-breakfast; Ms. Kern agreed that was a good question and added that case law says the rental has to be like-for-like.

Mr. Winter finished up the discussion by saying that the conversation has given the brewery a flavor of what their next steps would be. Mr. Birnbaum agreed and thanked the Commission for their time. He said that they will discuss their next steps and let the Commission know where they were going.

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 nothing to report.

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

*Mr. Wyrick moved to adjourn at 10:17 p.m. Mr. Harrington seconded and the motion carried unanimously.*

Respectfully submitted,

*Donna M. Hayes*

Donna M. Hayes  
Assistant Land Use Administrator

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