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By Darlene Brady at 9:08 am, Mar 24, 2023

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

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**SPECIAL MEETING MINUTES**

The Planning and Zoning Commission held a special meeting at 6:30 p.m. via zoom on Thursday, March 16, 2023.

**1. CALL TO ORDER**

Mr. Winter called the meeting to order at

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

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

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

Guests Present: Jean Conlon-Speck, First Selectman  
Thomas Gerard, Esq.  
Katherine Rule, Esq. (6:42 p.m.)

Mr. Winter invited First Selectman Speck to attend the executive session.

**3. 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.

*Mr. Wyrick moved to go into executive session at 6:33 p.m. Mr. Manes seconded and the motion carried unanimously.*

*Mr. Manes moved to come out of Executive Session at 7:32 p.m. Mr. Wyrick seconded and the motion carried unanimously.*

Attorneys Gerard and Rule left the meeting at this point in time.

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4. 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. Manes moved to follow the Commission's attorneys' recommendations with regard to the Pending Litigation. Mr. Wyrick seconded and the motion carried unanimously.*

## **5. BUSINESS:**

- 5.A. Schedule public informational meeting - parking, senior living, reasonable accommodations and "shopping center" terminology

Mr. Chalder recommended a public informational meeting to get feedback prior to approval. He suggested the meeting date in April would work and he would communicate with Ms. Kern to finalize the date. The Commission agreed.

Mr. Chalder said that the subdivision regulations are larger and suggested parking them until most of the zoning regulations are completed. The Commission agreed.

- 5.B. Camp/Special Event - continue discussion and agree on the form of regulation.

Mr. Winter stated that the main goal was to bring Club Getaway into compliance. After all of the previous discussions, Mr. Chalder suggested that all camps be permitted via special permit and showed his suggestion of a possible regulation. Mr. Manes thought the idea was to bring them into conformity so they could move forward. Mr. Winter asked if Mr. Manes would prefer an overlay zone. Mr. Winter said that he felt this discussion was important to give Mr. Chalder direction on what should be written. Mr. Wyrick said that his concern was a proliferation of camps and isolating this via an overlay zone is where the Commission should be. He would not want to see a townwide regulation. Mr. Manes said he felt Club Getaway was more like a resort and not like a camp.

Mr. Chalder said that he will utilize "youth camp" and "adult camp" to differentiate between Club Getaway and the other camps. The use table can call out "adult camp" which would still make Club Getaway quasi-non-conforming. He did not like the word "resort". Mr. Chalder suggested primarily over 16 years of age; applies for approval as a Special Permit; Commission to look at base line uses for approval; the other category would be "special events" approved on a year-by-year basis until the Commission feels comfortable enough to move them over to the baseline. Or the Commission could require the "adult camp" approval. The public informational meeting could influence which way to go. Mr. Chalder said that the baseline with special event permits could give the Commission the direction they feel necessary.

Ms. Casey likes Mr. Chalder's approach giving the Commission a better opportunity to assess the special events. She also thinks that Mr. Chalder's approach would be fair to the other camps as well as the private schools that hold camps.

Ms. Hicks said that she is still thinking about what could go wrong. She likes giving it a use as a "camp" and worrying about the definition of "camp" instead of going with a "resort". The "camp" route would be

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the safe route. Mr. Wyrick pointed out that there are only two active camps; Club Getaway and Camp Kenmont/Kenwood.

Mr. Cherniske said that he did not care if the decision was an overlay zone or a special permit as long as there is an opportunity to regulate any special events.

Mr. Manes said he was good with either one but wanted to make sure that the Commission had the discussion about the overlay zone. It seems to him that the Commission is leaning towards a special permit.

Mr. Chalder said that he would like to go back and tweak the wording and change from “adult” to “non-youth camp” and the use would be approved via a special permit. The special permit would create a baseline. Mr. Winter said that there are children that come to the camp. He asked if they could apply for a special permit under both those definitions. Mr. Chalder said that “youth camp” is narrowly defined by the State and the Town can rely on their licensing. Club Getaway does not fall under that definition and the Commission will need to determine how they fall under the regulations. Special events would give them additional events such as larger attendance. The special events will allow the Commission to work with Club Getaway to evolve and change as situations arise. Mr. Chalder said that he felt he could re-work the regulation for the public informational meeting.

Mr. Wyrick agreed with Mr. Chalder’s suggestion and left the meeting.

Mr. Winter said that Club Getaway had prepared the current operations document which does not include concerts. It was noted that the concerts can be part of other special events. Mr. Manes asked how the Commission wanted to define “concert”. He asked that Mr. Chalder try to define that. Mr. Chalder said that the Commission will have to define that working with Club Getaway over time. The frame work can provide them with the conforming status while other activities can go into special events which can be moved to the baseline when the Commission feels comfortable.

Mr. Winter said that make sense to him. With regard to Mr. Manes’ comment, he would like to leave the definition of “special events” with Club Getaway. Mr. Winter would like to start with the current baseline supplied in 2021.

Mr. Chalder asked if the Commission was comfortable with him making the changes discussed tonight to present at the public informational meeting. Mr. Winter said he thought so. Mr. Manes also agreed and looked forward to public comment. Mr. Chalder said that he will simplify the proposal and add an introductory paragraph. The Commission agreed.

Mr. Winter wanted to bring to the Commission’s attention to the fact that Club Getaway’s attorney reached out to Attorney Zizka for discussion on this regulation. Mr. Winter asked how the Commission felt about that. Mr. Manes said that he did not think it was proper. Ms. Hicks agreed. Mr. Chalder said that he reached out to Atty. Zizka as well after checking with the Commission.

#### **5.C. Housing in the VR - preliminary discussion**

Mr. Chalder said this had to do with accessory dwellings which the regulations already allow. The only limitation would be the number of units that were allowed per lot (section 3100).

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The table in 6200 explains how accessory units are approved. Mr. Chalder suggested that the Commission begin by looking at this chart.

Ms. Kern asked if the Commission could discuss the difference between an accessory dwelling unit and a two family house with one being owner occupied and the other not.

Mr. Chalder asked for the Commission's thoughts and guidance. Mr. Winter said that he is not sure how to tackle the ADU and 2-family dwelling. He thought that the POCD was looking to relax the amount of ADU and suggested adding language regarding deed restrictions in the VR zones. Mr. Winter said that there are differing amounts of open space in conservation development but the deed restriction would be 80% and 30 years. He would like to make sure that they codify the requirement.

Mr. Chalder said that he would like to do some additional research and check the statute and come back to the Commission with language on that. He agreed with Mr. Winter with regard to consistency. Ms. Bush-Suttmann said that Kent Commons was deed restricted for 30 years.

Mr. Chalder asked the Commission if they were okay with a deed restriction component if there are three units. Mr. Winter asked if it would still be necessary for the owner to reside in one of the units. Mr. Manes asked if the property is willed to KAH, would the deed restriction still apply. Mr. Chalder said that was a legal question he cannot answer and said that Atty. Zizka should review it. He will start to craft something on this.

Mr. Chalder asked the Commission if they wanted to change the chart already in the regulations. Mr. Winter asked why there was a difference in the permitting of an ADU and a guest house. Mr. Chalder said that in most cases it was because a guest house is not usually occupied 100% of the time, while an ADU would most probably be. Mr. Manes said that he is not in favor of changing that. Mr. Winter agreed.

Mr. Chalder asked the Commission if they wanted any other tweaks to this section. The Village Housing Overlay Zone and the Village Mixed Use Overlay Zone sections should be adjusted via the parking. The rest should remain the same. Mr. Chalder said that he will check consistency.

**5.D. Conservation Development in the VR - preliminary discussion and review comparison to the RU regs**

The Commission discussed agenda item 5.D. prior to 5.C.

Mr. Chalder showed a prepared comparison between the two which showed that there was a lot of similarity between the two. He said that clarification would be needed between open space and lot size. Mr. Winter said that he would like to discuss the third bullet of VR-1 and VR-2 and would like to have some clarification on that. Ms. Hicks agreed with Mr. Winter. Mr. Chalder said that the basic assumption was 50% of the parcel was to be open space which could only be amended via a special permit. He cautioned that increasing it on the part of the Commission could lead to legal issues. He would like to modify it to say 50% open space in the RU zone and the Commission can reduce the amount via special permit. Mr. Winter asked if the open space calculations were included in the POCD.

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Mr. Manes asked that the regulation not be so restrictive that no developer will want to propose anything. Mr. Winter said that he agreed. Mr. Winter asked if they wanted consistency or if they wanted to keep the density requirement different between RU and VR1/VR2. Mr. Manes said that he would like to see more density in the VR1/VR2 due to its proximity to the village center.

Mr. Winter said that conservation development is allowed in VR1/VR2 via special permit. But it is not the same in RU. Mr. Chalder said that was because it is required in the RU district.

Mr. Chalder suggested going back and crafting the regulations based on the Commissions comments and discuss them at the public informational meeting. Mr. Manes said that he would like to see how these changes would affect some of the remaining open land. Mr. Winter agreed.

Mr. Chalder said that he has enough info to move it forward but does not have enough on Commission consensus. He would propose something to get this closer to how they feel and will use the sidebar commentary. He will look at RU and VR zones.

Mr. Manes asked if it would be advantageous to include a requirement for affordable housing as well. Mr. Chalder said that the Town has worked on the AHP and based on the amount of time it would be required of Mr. Chalder, there was not enough funding available at this point in time. This does not mean that it can't be done in the future and Mr. Manes was okay with that.

#### **5.E. Subdivision Regulations**

*Mr. Manes moved to continue Subdivision Regulations to a meeting to be determined. Mr. Cherniske seconded and the motion carried unanimously.*

Mr. Chalder said that the next special meeting would be 4/20/23 and it was his suggestion that the public informational meeting be scheduled on that date via a virtual meeting. Mr. Chalder said that he will work with Ms. Kern.

Mr. Winter verified what would be discussed and Mr. Chalder said that he would prepare the summary handouts. He will also do a quick powerpoint on what is happening on each change with full information which can be provided on the website. Any comments from this meeting will be discussed at the May meeting.

#### **6. ADJOURNMENT**

*Mr. Manes moved to adjourn at 9:13 p.m. Mr. Cherniske seconded and the motion carried unanimously.*

Respectfully submitted,

*Donna M. Hayes*

Donna M. Hayes, CZEO  
Assistant Land Use Administrator

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