



RECEIVED

By Darlene Brady at 11:02 am, Apr 20, 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, April 14, 2022, beginning at 7:00 p.m.

1. CALL TO ORDER

Mr. Wyrick called the meeting to order at 7:01 p.m.

2. ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED

Commissioners Present: Wes Wyrick, Chairman; David Birnbaum, Karen Casey, Rich Chavka, Darrell Cherniske, Alice Hicks, Adam Manes, Anne McAndrew, Marc Weingarten, Matthew Winter

Staff Present: Donna M. Hayes, LUA

3. READING AND APPROVAL OF MINUTES:

3.A. Regular Meeting Minutes of March 10, 2022.

Mr. Manes moved to approve the Regular Meeting Minutes of March 10, 2022, as presented. Mr. Cheriske seconded and the motion carried unanimously.

4. PUBLIC COMMUNICATIONS (ORAL):

No action taken

5. OLD BUSINESS:

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

No action taken.

TOWN OF KENT PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES FOR APRIL 14, 2022

These are draft minutes. Corrections may be made by the Commission at the subsequent meeting. Please refer to subsequent meeting minutes for possible corrections and approval of these minutes.

5.B. DISCUSSION AND POSSIBLE DECISION

5.B.1. Clarification on the baseline of operations and aspirations of Club Getaway.

Ms. Hayes told the Commission that Mr. Schreiber was out of town and would not be able to attend tonight's meeting. She also commented that she had a conversation with Atty. Dwight Merriam about the possibility of a floating zone. She anticipated receiving some information from him that could be forwarded to Mr. Chalder, but never received anything. Mr. Wyrick said that he was still concerned about unintended consequences in the rural district with the creation of a special permitted use and thought that an overlay zone would work in this instance. Ms. Hayes said that she would see if she could get some information on this and report back to the Commission at next month's meeting.

Mr. Manes moved to continue Clarification on the baseline of operations and aspirations of Club Getaway to the next regular meeting. Mr. Cherniske seconded and the motion carried unanimously.

5.B.2. Application #13-22C, Chris Elkow, Kent Greenhouse & Gardens, for Richard and Rachel Becker, 79 Muller Road, Map 9 Block 22 Lot 136, installation of inground pool in HorizonLine Conservation District.

Mr. Cherniske recused himself from this discussion.

Mr. Elkow, representing the applicants, was present to address the application. Mr. Manes said that he did drive up Route 7 and Skiff Mountain Road to see if he could see any of the lights and was not able to see anything. Mr. Wyrick commented that the specifications on the lumens was low and was not surprised that Mr. Manes could not see anything. Mr. Winter also commented that he could not see anything either. Ms. McAndrew drove up to the property and was only able to see the house. Ms. Hicks said that she believes that you would have to be miles away to see anything because of the elevation of the property. Mr. Wyrick commented that because it is an inground pool there would be no height issues and Mr. Manes commented that the only issue would be the lighting which is downward facing in nature.

Mr. Winter agreed with all of the above comments but said that there obviously was some tree cutting done which is not part of this application and was done without the submission of an application and/or approval. Ms. Hicks said that it was very noticeable when you drive up to the house.

Mr. Elkow said that a total of 8 trees were cut during 2017 and only one was more than 2' in diameter. The rest were 15" to 18" and were in declining health. Mr. Wyrick asked if this was done to put in the driveway and Mr. Elkow said no. He said that the current owners cut the trees down because they were not doing well and the homeowners were not aware of the HorizonLine classification. Mr. Elkow said that the current owners have apologized. Mr. Manes said that it did not matter to him if the present owners knew about the HorizonLine or not; it was the responsibility of the contractor to obtain that information and it was not the Planning & Zoning Commission's responsibility to notify every homeowner of their property's classification.

Mr. Birnbaum asked if the Commission could require that the trees be replaced. Mr. Wyrick said that he did not think so and Mr. Manes said that he does not agree with that. Mr. Weingarten suggested that that Ms. Hayes check with Atty. Zizka on how best to handle this situation. Ms. Hicks commented that the

TOWN OF KENT PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES FOR APRIL 14, 2022

These are draft minutes. Corrections may be made by the Commission at the subsequent meeting. Please refer to subsequent meeting minutes for possible corrections and approval of these minutes.

elevation is striking but when you sit at that pool you would be looking at the treetops. If you want the view, the only thing to do would be to remove the trees. She asked if you can write into the deed that the wattage of the pool lights cannot be changed. Mr. Birnbaum suggested that 8 trees at a reasonable height be planted to replace the trees that were removed and that the scar will eventually fix itself.

Mr. Winter said that the trees were cut after the HorizonLine Conservation District was created and if they had come before the Commission, he did not think they would have agreed to let the owners cut down the trees. He suggested working with the homeowners to correct the wrong that was done; the only unfortunate thing was that it will take 30 years to reach the same height of the trees that were cut down.

Mr. Wyrick asked if the Commission would consider approving the application without any lighting and request that they come back to modify the application after the tree issue is figured out. Mr. Manes said that he would like to continue the application to the next meeting; Mr. Birnbaum said that he feels the trees should be put back; Mr. Weingarten said that at this point, the lights are not the issue. The issue is the scar that was left as a result of the cutting of the trees and that the cutting of the trees was in violation of the regulations.

Mr. Elkow said that he would be willing to return to the next meeting with a planting plan to replace the trees that had been removed along with additional photographs. Ms. Hayes said that she will speak with Atty. Zizka on how best to handle the situation.

Mr. Manes moved to continue Application #13-22C, Chris Elkow, Kent Greenhouse & Gardens, for Richard and Rachel Becker, 79 Muller Road, Map 9 Block 22 Lot 136, installation of inground pool in HorizonLine Conservation District to the next regular meeting and in the meantime, Mr. Elkow should work with the homeowners about planting trees. Mr. Weingarten seconded and the motion carried unanimously.

5.B.3. Discussion and possible decision on the opting out of certain subsections of Public Act 21-29 with regard to accessory apartments and parking requirements for residential uses.

Mr. Cherniske returned to the meeting.

Ms. Hayes explained that, by trying to make the process easier for everyone, she had done just the opposite and since the last meeting she worked with Atty. Zizka to come up with the attached Resolution of Approval. She reminded the Commission that by opting out of these subsections, it will give the Commission the opportunity to come up with new regulations with regard to accessory apartments and parking requirements, if the Commission chooses to do so. By not opting out, that opportunity no longer exists.

Mr. Weingarten suggested creating a subcommittee to review the parking regulations. Ms. Hayes asked that this wait since some of the Commission members are already participating in the POCD and Affordable Housing Plan subcommittees. She told the Commission that she will make the creation of a subcommittee to review the parking regulations an item on the September, 2022 agenda.

Mr. Manes moved to approve and read the following Resolution into the record.

**TOWN OF KENT PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES FOR APRIL 14, 2022**

These are draft minutes. Corrections may be made by the Commission at the subsequent meeting. Please refer to subsequent meeting minutes for possible corrections and approval of these minutes.

Resolved: *That the Town of Kent Planning and Zoning Commission hereby opts out of the following:*

- 1. The provisions of Section 6, subsections (a) through (d), inclusive, of Public Act 21-29; and*
- 2. The provisions of subdivision (9) of subsection (d) of section 8-2 of the General Statutes, as amended by Public Act 21-29.*

The Commission adopts the foregoing provisions upon the following findings:

As to Resolution #1:

- a. Subsections (a) through (d), inclusive, of Section 6 of Public Act 21-29 contain a number of ambiguous provisions that could lead to inconsistent interpretations, legal challenges and litigation. Opting out of those provisions would allow the Commission to develop clearer regulations that could accomplish many of the same goals.*
- b. The Commission finds that it is important to maintain flexibility in the development of its housing policies and to allow future adjustments in its regulations that are more in keeping with the Plan of Conservation and Development, as it may be amended from time to time.*

As to Resolution #2:

- a. Subsection (d) of subdivision (9) of C.G.S. Sec. 8-2, as amended by Public Act 21-29, would limit the Commission's ability to establish parking requirements for certain categories of dwelling units based solely on the number of bedrooms in such dwelling units. This limitation would prevent the Commission from considering other important factors such as public safety and physical disabilities that may affect the need for additional parking spaces in some situations.*

Adopted by the Kent Planning and Zoning Commission this 14th day of April, 2022. In accordance with Public Act 21-29, this opt-out resolution shall become effective upon approval by the Town of Kent Board of Selectmen.

Mr. Birnbaum seconded and the motion carried unanimously.

6. NEW BUSINESS:

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

- 6.A.1.** Application #'s 28-22C and 29-22SP, John & Gerri Gleason, 12 Halls Lane, Map 9 Block 22 lot 43, construction of inground pool and pergola located in the area between the principal building and a public street.

Mr. Wyrick opened the public hearing at 7:49 p.m. and read the legal notice into the record.

Mr. Gleason was present and explained the site plan that was attached to the application. Ms. Hayes reported that he had received his wetlands permit. Mr. Gleason explained that his wife had designed the planting area that will be shaped as an "L" around the front and side of the pool and would contain native

TOWN OF KENT PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES FOR APRIL 14, 2022

These are draft minutes. Corrections may be made by the Commission at the subsequent meeting. Please refer to subsequent meeting minutes for possible corrections and approval of these minutes.

grasses, wildflowers and arborvitae. Mr. Cherniske commented that because the pool is so close to the house, the pool itself will be less impactful.

There being no further questions, Mr. Birnbaum moved to close the public hearing at 8:00 p.m. Mr. Manes seconded and the motion carried unanimously.

Mr. Birnbaum moved to approve waiver #'s 7, 8, 9, 10, 11 and 13. Mr. Manes seconded and the motion carried unanimously.

Mr. Manes moved to approve Application #'s 28-22C and 29-22SP, John & Gerri Gleason, 12 Halls Lane, Map 9 Block 22 lot 43, construction of inground pool and pergola located in the area between the principal building and a public street. Mr. Birnbaum seconded and the motion carried unanimously.

6.B. DISCUSSION AND POSSIBLE DECISION

6.B.1. Review of ARB responsibilities.

Mr. Winter reminded the Commission that he and Mr. Wyrick had met with the ARB to discuss what they felt was their lack of direction with regard to the criteria they need to act on applications. Mr. Winter continued that he had attended a few of the ARB meetings and in order to help, he created a list of criteria along with a small list of questions that might be helpful when it comes time to act on applications. Mr. Wyrick agreed that the document was very informative and felt it should be shared with the ARB if the Commission agreed.

Mr. Weingarten moved to have Ms. Hayes place this document on the next ARB meeting for their discussion. Mr. Manes seconded and the motion carried unanimously.

6.B.2. Lot Line Revision, Daniel Greenbaum & Jill Scholsohn, 28 and 30 Kenmont Road, Map 16 Block 22 Lots 4 and 3.

Mr. Manes recused himself from this discussion.

Ms. Hayes explained that Mr. Greenbaum and Ms. Scholsohn had purchased two pieces of summer property on North Spectacle Lake. In order to meet Torrington Area Health District requirements to have the lower cottage pump their effluent to the upper house, a lot line revision would need to be done. She continued that once the two pieces of property were joined as one, there would be two structures and one would need to be designated as primary and one as accessory.

According to the mylar that was created by Roy V. Cheney, LLS, entitled "Compilation Plan, Map Showing Parcel Merger" and dated March, 2022, there are two structures: one located along the shoreline of the lake designated as "cottage"; and, one located above the "cottage" designated as "house". Mr. Greenbaum decided that the "cottage" would be designated as the accessory dwelling unit and the "house" would be designated as the principle dwelling unit. Ms. Hayes asked that this be included in the motion and that the letter of approval be filed on the land records along with the mylar.

Mr. Weingarten moved to approve Lot Line Revision, Daniel Greenbaum & Jill Scholsohn, 28 and 30 Kenmont Road, Map 16 Block 22 Lots 4 and 3 with the designation of "house" as the principle dwelling

TOWN OF KENT PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES FOR APRIL 14, 2022

These are draft minutes. Corrections may be made by the Commission at the subsequent meeting. Please refer to subsequent meeting minutes for possible corrections and approval of these minutes.

and “cottage” as the accessory dwelling unit. Mr. Birnbaum seconded and the motion carried unanimously.

6.B.3. Application #32-22C, Kent Land Trust, 0 South Main Street, Map 4 Block 12 Lot 5, operation of temporary farmers’ market.

Ms. Hicks and Messrs. Cherniske, Manes and Weingarten recused themselves from this discussion. Mr. Wyrick elevated Mr. Winter, Mr. Chavka and Ms. McAndrew to voting status.

Ms. Connie Manes attended the meeting representing the Kent Land Trust, the Farmer’s Market and the Kent Chamber of Commerce. She explained that the existing location of the Farmer’s Market was too crowded due to the number of participants and the popularity of the market itself. As a result, the Kent Land Trust has offered to host the market on their field just south of The Kent Commons.

Ms. Manes showed a rendering of the location of the different vendors, an area for socialization, parking and traffic flow. With regard to signage, it will be in line with the existing regulations.

Mr. Wyrick asked if they will be providing cones to designate the entrance and different areas for parking.

Mr. Winter said that he believed it was a great use of the property, but did not believe that it should be approved as a “temporary farmstand” and suggested giving it temporary approval and writing a new regulation. Mr. Birnbaum agreed that it was a stretch of the regulation.

Ms. Hayes asked for the exact dates of the farmer’s market and Ms. Manes replied that it would be May 20th to October 28th.

Mr. Birnbaum moved to waive items 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13. Mr. Chavka seconded. The motion passed 5 to 1 with Mr. Winter abstaining.

Mr. Birnbaum moved to approve Application #32-22C, Kent Land Trust, 0 South Main Street, Map 4 Block 12 Lot 5, operation of temporary farmers’ market from May 20th to October 28, 2022. Mr. Chavka seconded and the motion carried 5 – 1 with Mr. Winter voting no.

6.B.4. Preliminary discussion, Bill Freeman and Hicks Stone for Maple Street Extension, LLC, 0 Maple Street Extension, Map 4 Block 42 Lot 1, Incentive Housing Zone development.

Ms. Hicks and Messrs. Cherniske, Manes and Weingarten returned to the meeting at this time. Mr. Wyrick de-elevated Ms. McAndrew, Mr. Chavka and Mr. Winter from voting status.

Mr. Bill Freeman, Celebration Green Design & Build, Inc., and Hicks Stone, Stone Architecture, LLC, came before the Commission for a preliminary discussion for a residential development within the Incentive Housing Zone.

Mr. Freeman began the discussion by reminding the Commission that they had originally looked at this piece of property back in 2017 and since that time, the Commission had created the incentive housing

TOWN OF KENT PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES FOR APRIL 14, 2022

These are draft minutes. Corrections may be made by the Commission at the subsequent meeting. Please refer to subsequent meeting minutes for possible corrections and approval of these minutes.

zone. The plan would be to build smaller, duplex, side-by-side units that will have 3 bedrooms (MBR on the first floor and the 2nd and 3rd on the second floor. They envision ageing in place or empty nesters utilizing the first floor MBR and working from the second floor. There will be decks and each of the units would be factory-built, measuring 16' x 60'. There will be no basements, no frost walls and will be set upon helical piles 2' above the ground leaving the site untouched.

Mr. Stone told the Commission that there will be a community garden as well as pollinator pathways. The homes will be high performance fitted with photovoltaic panels on the roof or a community array.

Mr. Freeman added that the units will face inward promoting community involvement; no garages will be built; and there will be a garden area in the middle that can be used as common space. The plan would be to provide set ups for EV charging stations.

Mr. Stone said that there will be no attics as that is wasted space; there will be deep overhangs; and he feels, the design will be in line with the modern architecture at The Barns.

Mr. Freeman's only issue has to do with the zoning regulations which only allows up to 35 units and they want to construct 36 units. Mr. Hicks commented that of the 36 units planned, 7 of them will be considered affordable under the Kent regulation. There was no need to apply under the 8-30g statute.

Mr. Birnbaum asked about handicap accessibility since they mentioned aging in place.

Mr. Freeman continued that the units will be all electric utilizing induction stoves, minisplits, and heat pumps.

Mr. Manes asked about garages. Mr. Freeman replied that they could build them and that the proposed plan is still a work in progress. Currently, there is stacked parking between the units.

Mr. Weingarten stated that there really isn't true modernism in Kent; that can only be found in the Barns and there is none in the residential district. He asked why they were using a modern aesthetic instead of a New England aesthetic. Mr. Hicks replied that this design did very well in Litchfield and modernism does exist within the State. Mr. Freeman added that this design creates a structure that is as energy efficient as possible. Mr. Wyrick said that there is a reason for the pitched roofs in New England and that is the amount of snow.

Ms. Hicks asked how this development will fit into the range of affordability. Mr. Hicks replied that one of the reasons they did not proceed with the 2017 submission was because each one of the houses would have been stick built. This submission represents structures that will be delivered to the site as a modular system. Having a modular build streamlines the construction cost. In addition, there will be no site development since there will be no frost walls. Ms. Hicks expressed concern that the finished development would look like a trailer park. Mr. Freeman said that when you eliminate the utility costs, you are able to spend the money differently which decreases the burden of utility costs in design.

Mr. Freeman asked the Commission if they thought he and Mr. Hicks should continue on with this project since the next part of the project would require the hiring of professionals.

TOWN OF KENT PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES FOR APRIL 14, 2022

These are draft minutes. Corrections may be made by the Commission at the subsequent meeting. Please refer to subsequent meeting minutes for possible corrections and approval of these minutes.

Mr. Birnbaum asked about the continuation of the roadway from Maple Street Extension past the development and into the shopping area. Mr. Freeman replied that this was something the Town required. Mr. Pener explained that the continuation of the roadway from the shopping center to Maple Street Extension was a dream of Mr. Michael Everett. Mr. Winter said that this continuation of the roadway has been mentioned in the POCD for the past two cycles and is currently making it into the current rewrite. Mr. Manes said that this idea had been kicked around and that the creation of the Incentive Housing Zone brought it to fruition. Mr. Pener said that it was all about connectivity and that it would not be beneficial to create another cul de sac. Mr. Manes added that the location of the Incentive Housing Zone fulfilled the criteria of being able to walk into Town.

Mr. Freeman said that he senses from the Commission that this would be worth pursuing on their end. Mr. Wyrick said that the Commission cannot say if it's a go or a no go. Mr. Freeman asked if the Commission thought it would make sense and Mr. Manes said that he feels proud of the work that was done on the Incentive Housing Zone. He continued that Mr. Pener knows a lot more than he does but Mr. Manes realizes there is a lot of demand for housing and not much on the market. There is also a need for housing that is not as expensive and based on the preliminary information, Mr. Manes feels it looks great. Mr. Birnbaum agreed.

Mr. Wyrick asked if they would be building part of the Kent Green extension and Mr. Freeman said that they had not looked at that yet. Mr. Freeman continued that the nuts-and-bolts part of the design will be the next level of review along with the sewer line, water hookup, town road specifications. Mr. Pener said that he thought the idea was that they would build the road up to the Kent Green Blvd extension area. Mr. Winter said that he agreed with Mr. Pener. Mr. Winter stated that the it would be in the Town's best interest to make it a cohesive network of roads and asked if Mr. Freeman had access to the reports from the first submission. Mr. Freeman said he was not sure and Mr. Pener said that he does and would be willing to share it. He said that the information he has showed higher densities and he feels that was what scared them away the first time. Mr. Freeman agreed and said that the density the last time was 6/acre and now this is 4/acre which is better for the overall objective. Mr. Hicks commented that the development will not be a subdivision but rather a condo complex. Mr. Pener reminded the Commission that VR1 has a much higher density allowance. Mr. Hicks said that there will be approximately 68% of the development placed in open space.

Mr. Winter stated that he thought it was a good use for the property. Ms. Hicks agreed and said that she is a devoted Michael Everett fan. Mr. Wyrick said that he was feeling encouraged and believes that this type of development is needed in Kent. Mr. Birnbaum said that he was in agreement and was interested in the helical piles supports and their passive nature. He expressed concern over the flat roofs but feels that the concepts are all workable.

With regard to the roof lines, Mr. Freeman further explained that they will not be pitched like a gable, but they would not be flat. All the runoff will exit the back of the roofs onto driplines via the eaves. There will be no internal drainage issues and the roof will not leak. Due to the tightness of the homes, air will need to be exchanged 3 times/hour. There will be triple pane glass windows and a thermal break in a split wall design. Air exchange will occur 24/hrs per day.

Mr. Wyrick asked if the Commission had any additional questions. Having none, both Mr. Freeman and Mr. Hicks thanked the Commission for their time.

TOWN OF KENT PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES FOR APRIL 14, 2022

These are draft minutes. Corrections may be made by the Commission at the subsequent meeting. Please refer to subsequent meeting minutes for possible corrections and approval of these minutes.

6.B.5. Discussion of possible violation(s), Stanley Greenbaum, 247 Bulls Bridge Road, Map 6 Block 11 Lot 1.

Mr. Manes recused himself.

Ms. Hayes explained that this was on the agenda for a couple of reasons, one being at the request of Chairman Wyrick. She continued that over the past year or so, she had received several complaints from neighbors and residents driving by and had spoken to Mr. Greenbaum and his son, Daniel, in person regarding the condition of the property located at the corner of Bulls Bridge Road and Route 7. Ms. Hayes reported that she was told that the area was going to be cleaned up, but to date, there had been no additional progress. Her main concerns are the fact that a driveway was created and/or extended without permits, there are numerous vehicles on the property that appear to be inoperable and located within the wetlands. Ms. Hayes other concerns are wetlands issues which will be discussed at the Inland Wetlands meeting of May 25th.

Mr. Dan Greenbaum said that he has been trying to clean up the area but he has been very busy. He will start working on the property again. He continued that he did remove a dead ash, Japanese knotweed and other invasives on the property. Mr. Stanley Greenbaum said that the driveway had been permitted by the Board of Selectmen in 1980 and that there should be no wetland issues since the he had the property surveyed by a wetland soil scientist back in the 90's.

Ms. Hayes said that there was no indication of an approved driveway permit in the file and if there was, it would have expired. With regard to the wetland soils, it will be her recommendation to the Inland Wetlands Commission that a new soil scientist complete a report.

Mr. Weingarten said that he has driven past the location many times, believes it is an eyesore and would not like to be the one living next door.

Mr. Winter said that the property does need to be cleaned up. Mr. Dan Greenbaum said that he will make more progress by utilizing the dumpster; create a screen between the properties; the truck that is there does run and that the camper is not registered. He commented that he did not think that it was a violation to have an unregistered vehicle. Mr. Dan Greenbaum asked for a little bit of leeway and was embarrassed to see the property in this condition and was not trying to make anyone angry.

Mr. Wyrick instructed the Greenbaum's to continue making the effort to clean up the property and adhere to the effort.

Mr. Winter asked about the driveway width and Ms. Hayes said that she is requesting that a site plan be completed showing the location and width of the driveway so that she can ascertain if it is encroaching on the property located to the east. Ms. Hayes also requested that they attend the Inland Wetlands meeting on May 25th to address those issues.

Mr. Manes returned to the meeting.

7. STAFF REPORT:

**TOWN OF KENT PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES FOR APRIL 14, 2022**

These are draft minutes. Corrections may be made by the Commission at the subsequent meeting. Please refer to subsequent meeting minutes for possible corrections and approval of these minutes.

Ms. Hayes reported that she will be out of the office beginning April 26, 2022, returning on May 2, 2022. She will be available via email during that time.

8. REPORT OF OFFICERS AND COMMITTEES:

8.A. POCD Subcommittee

Mr. Winter reported that the Subcommittee will be meeting with Mr. Chalder on May 5th to discuss the “red-line” version of the draft of the POCD and that he was hoping that the Commission would be willing to meet on May 25th to discuss when and how it should be sent to the stakeholders. Ms. Hayes said that she will send out a doodle poll with regard to the meeting on May 25th.

8.B. Affordable Housing Plan Subcommittee

Mr. Birnbaum reported that they subcommittee is working on providing comments on the “draft of the draft” to Ms. Ayers for her incorporation. The comments will be reviewed on April 27th at which point in time they are hoping to decide when to release the final draft to the public. Ms. Hayes asked if that information could be available by the 5th so that discussion could be held on what to include in the POCD.

9. OTHER COMMUNICATIONS AND CORRESPONDENCE:

9.A. Administrative Permits and Certificates of Compliance: March 8 to April 11, 2022

The document was received; no action taken.

9.B. 2022 Annual Conference of the Connecticut Federation of Planning & Zoning Agencies presentation handout.

Mr. Winter reported that he had attended their annual conference. He explained that most of those in attendance agreed that rural municipalities should be opting out of the new legislation regarding accessory dwelling units and that most rural municipalities were more restrictive with regard to parking regulations.

- 10. EXECUTIVE SESSION: Pending Litigation: High Watch Recovery Center, Inc. v Town of Kent Planning and Zoning Commission in Superior Court, Judicial District of Litchfield at Torrington dated November 27, 2020. Discussion of strategy and negotiations with legal counsel.**
- 11. 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.**
- 12. 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.**

TOWN OF KENT PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES FOR APRIL 14, 2022

These are draft minutes. Corrections may be made by the Commission at the subsequent meeting. Please refer to subsequent meeting minutes for possible corrections and approval of these minutes.

Mr. Birnbaum moved to go into executive session at 10:11 p.m. to discuss agenda items 10, 11 and 12 at the same time. Mr. Weingarten seconded and the motion carried unanimously.

The Commission came out of executive session at 10:23 p.m.

13. Open session involving discussion and possible action on Pending Litigation: High Watch Recovery Center, Inc. v Town of Kent Planning and Zoning Commission in Superior Court, Judicial District of Litchfield at Torrington dated November 27, 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. Weingarten seconded and the motion carried unanimously.

14. 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. Weingarten seconded and the motion carried unanimously.

15. 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. Weingarten seconded and the motion carried unanimously.

ADJOURNMENT

Mr. Birbaum moved to adjourn at 10:25 p.m. Ms. Casey seconded and the motion carried unanimously.

Respectfully submitted,

Donna M. Hayes

Donna M. Hayes, CZEO
Land Use Administrator

TOWN OF KENT PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES FOR APRIL 14, 2022

These are draft minutes. Corrections may be made by the Commission at the subsequent meeting. Please refer to subsequent meeting minutes for possible corrections and approval of these minutes.