



**RECEIVED**

*By Darlene Brady at 9:29 am, Aug 16, 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 beginning at 7:00 p.m. on Thursday, August 10, 2023.

**1. CALL TO ORDER**

Mr. Winter opened the meeting at 7:00 p.m.

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

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

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

Mr. Winter elevated Ms. McAndrew to voting status.

*Mr. Manes moved to add agenda item 6.B.5., John Casey Trust (Cozzy DeBernardo), 24 North Main Street, Map 19 Block 42 Lot 25, Change of use from retail to restaurant. Mr. Wyrick seconded and the motion carried unanimously.*

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

**3.A.** July 13, 2023 Regular Meeting.

*Mr. Manes moved to approve the July 13, 2023, Regular Meeting Minutes as presented. Ms. Casey 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):**

---

**TOWN OF KENT PLANNING AND ZONING COMMISSION**  
**REGULAR MEETING MINUTES FOR AUGUST 10, 2023**

These are draft minutes and reflect a summary of discussions and relative motions. 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.A.1.** Proposed changes to the Zoning Regulations Camps/special events. *public hearing continued.*

The public hearing resumed at 7:03 p.m. Mr. Winter turned the discussion over to Mr. Chalder.

Mr. Chalder summarized the regulation along with the proposed changes. A copy of the revised proposed regulation can be found in the public meeting folder for this meeting.

Mr. Winter asked if Kenmont/Kenwood should be encouraged to submit an application under section 6200 since they are not acting solely as a youth camp. Mr. Chalder said that the correspondence from Kenmont/Kenwood included the current uses and it was noted that Kenmont/Kenwood does hold specialized camps on the shoulder season. Mr. Chalder said that the Commission would need to decide if the shoulder season specialized camps could be considered an increase or could the letter be used as a generalized master plan. Mr. Winter then asked if it is the intention that Section 6640 be codified into Section 6620 or does an updated baseline be added to the files. Mr. Chalder said that Section 6620 documents what is being done today with regard to the site and the current activities. Section 6640 gives a camp/resort the opportunity to gain approval for an approved camp/resort activity outside of their initial approval. This would give the camp/resort an opportunity to try something new/different before making it a permanent use by becoming part of the master plan. Mr. Chalder said the regulation will give those businesses an approval for a significant beginning which can then be codified as time goes on.

Mr. Manes referred to the letter recently submitted by Mr. Schreiber. He asked how limiting the regulation will be. Mr. Chalder said that the idea was that step 1 was to give approval via a special permit under Section 6620. The second part would be to get a survey which would satisfy future expansion. This information can be added to the master plan and afford the approval being done via a zoning or site plan approval; not a special permit. Mr. Chalder added that the 5 year/10 year timing ties in to the statute that is currently on the books regarding the length of site plans. He said that the timing is something that could be changed in the future if the Commission desires.

Mr. Schreiber thanked everyone for their work on this but questioned why they chose 5 and/or 10 years. He continued that most of the changes he is currently making are climate change based and asked for possibly 10 or 15 years. Mr. Chalder said that the Commission can modify the numbers but his professional guidance would be to get this process going and have the discussion about the timing at a later date. Atty. Merriam said that he thought Mr. Schreiber had covered everything but thought that the timing could be adjusted.

There were no comments from the Commission or the public.

*Mr. Manes moved to close the public hearing at 7:30 p.m. Mr. Wyrick seconded and the motion carried unanimously.*

Mr. Winter said that he could get behind the 15 year requirement. Mr. Chalder agreed and could address the interest of both parties.

Mr. Manes agreed with the 15 years but didn't understand why the Commission should agree to do something that far out when currently things are changing so quickly. Mr. Chalder said that the Commission should have an idea on how Club Getaway will be evolving. The items on the master plan can be approved

---

**TOWN OF KENT PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES FOR AUGUST 10, 2023**

These are draft minutes and reflect a summary of discussions and relative motions. 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.

by either zoning permit or special permit or the master plan can be changed by the property owner. It's not a site plan.

Ms. Casey said that she felt that Mr. Chalder had done an excellent job and that the 5/10 year timeframe is fine. She is not in favor of going past those time frames based on how quickly things are changing. Mr. Wyrick agreed with Ms. Casey. Ms. Hicks agreed with keeping it at 5/10 years.

With no other comments, the following motion was made:

*Mr. Manes moved to accept the regulation as it is currently written. Mr. Wyrick seconded and the motion carried unanimously. Mr. Winter said that for the record 15 years is a long time.*

During discussion Mr. Chalder asked that the Commission establish an effective date and identify and make comments that note that the regulations are in keeping with the POCD. Ms. Kern reminded the Commission that the effective date should be pushed out to October so that Club Getaway could finish out their current season. Mr. Manes suggested October 1st and Mr. Winter suggested November.

*Mr. Manes amended his motion to include an effective date of November 4, 2023 and added that this change conforms with the long-term plan outlined in the POCD. Mr. Wyrick seconded the amended motion and the motion carried unanimously.*

#### **5.B. DISCUSSION AND POSSIBLE DECISION: N/A**

No action taken.

### **6. NEW BUSINESS:**

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

##### **6.A.1. Proposed changes to the Zoning Regulations ADU**

Mr. Winter opened the public hearing at 7:44 p.m. and read the legal notice into the record.

Mr. Winter turned the discussion over to Mr. Chalder who explained the proposed changes; a copy of the proposed regulation can be found in the public meeting folder for this meeting.

Mr. Manes asked how the deed restriction will be policed. Mr. Chalder said that Kent Affordable Housing will help to monitor those units that are deed restricted and will verify the requirements for eligibility. In addition, Kent Affordable Housing will report back to the Commission on the rental units. Any zoning violations will be administered by the ZEO and Land Use Office.

Mr. Winter asked what "similar statement" in Section 6200.3 meant. Mr. Chalder said the language would be a statement for the record in the case of a not-for-profit organization buying the property.

---

#### **TOWN OF KENT PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES FOR AUGUST 10, 2023**

These are draft minutes and reflect a summary of discussions and relative motions. 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. Winter opened the discussion up to the public. Mr. Potter thanked the Commission and Mr. Winter thanked Mr. Potter and Kent Affordable Housing for stepping up. Ms. Bush-Suttman thanked Mr. Chalder for his help on this.

*Mr. Wyrick moved to close the public hearing at 8:02 p.m. Mr. Manes seconded and the motion carried unanimously.*

Ms. Kern suggested September 4<sup>th</sup> or 5<sup>th</sup> as an effective date. Mr. Manes suggested September 9<sup>th</sup> keeping in line with Mr. Chalder's previous suggestion.

*Mr. Manes moved to approve the Accessory Dwelling Unit regulation as written and presented, effective Sept 9, 2023 and that we recognize that this regulation falls within our Plan of Conservation and Development. Ms. McAndrew seconded and the motion carried unanimously.*

Ms. Bush-Suttman asked how the deed restrictions that were previously submitted were going to be handled. Mr. Chalder said that the solution might be for the submitted deed restriction samples be sent to Attorney Zizka for his review.

**6.A.2. Application #65-23SUB, Landrigan Family 2012 Trust, 160 Ore Hill Rd., Map 18, Block 33, Lot 3, Two-lot Resubdivision.**

Mr. Winter opened the public hearing at 8:08 p.m. and read the legal notice into the record.

Mr. Winter referred the Commission to the staff report prepared by Ms. Kern. He also said that the pre-application discussions that were held in place prior to the submission of the application were extremely helpful. Ms. Kern informed the Commission that in lieu of open space, the applicant would prefer to submit a fee in lieu of. Based on information presented by the Treasurer, even though there is no open space/land acquisition fund, statute requires the creation of one upon payment from the applicant.

Mr. Brian Neff, P.E., agent for the owners, explained that the subject properties consists of 26.74 acres with frontage on Ore Hill and Treasure. Lot one (158 Ore Hill Rd) currently consists of 19 acres, has a 5 bedroom house with septic system, detached garage and swimming pool. 160 Ore Hill Road consists of 4 acres and is the location of the main house and a barn. Mr. Neff stressed that there will be no construction on either lot. He advised the Commission that he has received TAHD approval as well as Inland Wetlands. The fee in lieu off will be discussed by Atty. D'Alton.

Atty. D'Alton advised the Commission that she had submitted documentation regarding the fee in lieu of open space and has identified the portion of the property to be used to determine the amount of the fee. Atty. D'Alton said that the assessor for the Town is an independent appraiser based on the rules, regulations and laws under which she operates; therefore, they used the information from the tax card. Based on the information on the tax card, Atty. D'Alton's calculation for the amount of the fee in lieu comes to \$8,833.92.

Mr. Winter asked for comments from the Commission. Having none, Mr. Winter suggested that the Commission review the letter and request for waivers from the applicant. The waivers were to subdivision sections: 3.8, 4.60, 4.6.3., 4.6.4., 4.6.5., 4.6.7., and 4.6.10.

---

**TOWN OF KENT PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES FOR AUGUST 10, 2023**

These are draft minutes and reflect a summary of discussions and relative motions. 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.

With the exception of the understood conversion of the existing barn on parcel 2, Mr. Winter asked Mr. Neff if there was a possibility of any future building on parcel 1 if the subdivision is approved. Mr. Neff said it was possible but did not think the current owners were planning to do that. Mr. Winter's concern is that there is the possibility of another structure and asked Mr. Neff what he thought might be issues with storm water runoff and future development. Mr. Neff said that the LUA would be applying the checks and balances for any development along with any required outside agencies.

Mr. Winter asked Ms. Casey, in her capacity of a realtor, if the assessor's value of the property is equal to an appraised value. Ms. Casey said that the only comment she has is that the assessor's assessment could be old and the market has changed since then. For this purpose, Ms. Casey said that it could be fine but felt that the market value would be higher which would not apply since they are not looking to sell the property.

Mr. Winter said that he would like some interpretation as to why the applicant used the property to be set aside instead of the value of the property before the subdivision. Mr. Manes asked why they did not offer the land to a land trust.

Atty. D'Alton said that based on the peculiar type of subdivision with no additional building being done, she was hoping that the Commission would accept the way the calculation was done.

Mr. Manes suggested that this be referred to Atty. Zizka for interpretation. Mr. Winter agreed. He would like to know what leeway the Commission has with regard to this regulation. The Commission did not think there would be that much of a difference in the amount of the payment in lieu of and Ms. Casey felt that the benefit of having a fund set up might outweigh the difference in the appraised value.

Atty. D'Alton encouraged the Commission to approve the amount proposed. Mr. Winter would like this to be a fair process and would be willing to go along with the Commission and have Atty. Zizka review their proposal. Mr. Manes feels that this should be reviewed by Atty. Zizka. Mr. Winter said that the 4+ acres is not really marketable for sale and maybe it would be better for the applicant to hire an appraiser to come in with an appraised value.

Atty D'Alton said that the appraised value could change and that the decision is up to the Commission and asked that they accept \$8,833.92. Mr. Winter agrees that the assessor's assessment is valid but the question becomes how much acreage does it apply to. Mr. Winter then polled the Commission as to whether or not the Commission should accept the proposed fee. Ms. Hicks said that she believes that Atty. Zizka should review it but felt the amount was reasonable. Ms. McAndrew replied that she would like to gather more information. Ms. Casey replied that she would be willing to accept. Mr. Manes would be willing to accept it. Mr. Wyrick said that he was looking for a consensus to close the public hearing.

Mr. Talbot asked if he could submit the special permit for the conversion of the guest house to the accessory dwelling unit for the next meeting if the Commission tables this discussion. It was decided that it could be done and that the approval could be conditioned upon the approval timing of the subdivision, if given.

*Mr. Wyrick moved to continue the public hearing. Mr. Manes seconded and the motion carried unanimously.*

---

TOWN OF KENT PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES FOR AUGUST 10, 2023

These are draft minutes and reflect a summary of discussions and relative motions. 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. DISCUSSION AND POSSIBLE DECISION**

### **6.B.1. Application #74-23C, Kent Green, LLC (Eads), 27 Kent Green Blvd, Map 19, Block 42, Lot 8, Generator**

Mr. Winter referred the Commission to the staff report by Ms. Kern. She informed the Commission that Mr. Eads is applying for the installation of a very large generator on the northerly side of the IGA. Ms. Kern said that there is plenty of parking but the concern would be the noise level. She noted that the applicant had chosen a noise reduction system.

Mr. Eads said that generator will be level 2 sound attenuation and the sound chart was submitted. A fence will be placed around the generator for better curb appeal. Mr. Wyrick asked how large it was. Mr. Eads said that it was 4' x 4' 9" and 110KW. Mr. Wyrick said that he has one that size and he cannot hear it. Mr. Winter asked if the location is near the bottom redeeming machine. Mr. Eads said that it will be 4 spaces down, on the condo side and close to the furnace room. The generator will run for 30 minutes each week and then it would run continuously if there was a power outage. Ms. McAndrew asked when the 30 minutes would be. Mr. Eads said that he had not determined that yet and would make sure it would not run during early mornings or late evenings. Mr. Winter asked if the fence will screen it from view. Mr. Eads said that it would. Mr. Winter asked if there would be enough room for service. Mr. Eads said that the fencing is included in the package so he is sure there would be room. Mr. Winter asked if there would be enough parking spaces after this is installed. Ms. Kern said that there are 15 extra parking spaces dedicated to the store.

Mr. Winter asked for comments from the Commission. Ms. Casey felt it was needed and that it would not be any louder than any other machinery at the store now. Mr. Eads said that if he cannot install a generator, renting one will be much louder than the permanent one. Mr. Manes agrees that it is needed. Mr. Manes asked about the height and asked if a 6' fence would be high enough. Mr. Winter thought it would be.

*Mr. Manes moved to accept waivers 1, 2, 3, 5, 6, 7, 10, 11, 12 and 13. Mr. Wyrick seconded and the motion carried unanimously.*

*Mr. Manes moved to approve Application #74-23C, Kent Green, LLC (Eads), 27 Kent Green Blvd, Map 19, Block 42, Lot 8, Generator, with the understanding that the fence not exceed 6' and that the time for exercising is a reasonable time during the day time. Mr. Wyrick seconded and the motion carried unanimously.*

### **6.B.2. Application #75-23C, Kent Station, LLC, 9, 11, 13 Railroad Street, Map 19, Block 42, Lot 15, landscape lighting and gas lanterns**

Ms. Kern went over the staff report which contained information on applications #75-23C, 76-23C and 77-23C, but the total of number of proposed lights was broken out according to each individual property. The ARB approved all with the exception of the up-lighting on the trees at 88 North Main Street. Ms. Kern said that all three applications appear to meet the regulations; however, considerations regarding the target area and lighting along the property lines as referenced in the Regulations should be discussed by the Commission.

---

## **TOWN OF KENT PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES FOR AUGUST 10, 2023**

These are draft minutes and reflect a summary of discussions and relative motions. 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. McPhee described the height of the fixtures; explained that they are shielded and are dark sky compliant. The landscape designer, Mr. William Buzzard, agreed with Mr. McPhee's description and added that they meet the regulations.

Mr. Manes felt that the number of lights were very suburban and urban. Mr. William Buzzard said that with regard to the FireFly property, it is illuminated so that the guests can get to the front door safely. The fixtures are spaced 20' apart at the driveway edge and are dedicated to each parking space. Of the fixtures, only 17 can be seen from the road and there will be an evergreen hedge.

Mr. Winter said that in general he agrees with Mr. Manes and the ARB; he is a little bit concerned about the light fixtures behind the hedges at the property on Railroad Street especially if a new owner removes them. He would like to see a condition that they remain as long as the landscaping remains in place. With regard to the FireFly, he is concerned with the uplights on the columns and feels they will be seen if the hedging does not grow.

With regard to the uplighting on the trees, Mr. Winter did not find a regulation preventing them, but the POCD does address the preservation of the night sky and he does not feel that uplighting protects night sky.

Mr. Winter commented that Ms. Kern has referred to the property located on Railroad Street as an "inn". It was his recollection that these properties were to be considered residential rentals. Mr. McPhee replied that they are being operated as Airbnb properties and he was clear during the original discussions with the Commission that they were not sure how they were going to be rented. Ms. Kern explained that she referenced them as "inns" based on the information listed on the Kent Collection website.

Mr. Manes said that he thinks of the quiet rural town, and that they are trying to keep Kent rural and all the lights around this small area is way too much lighting.

Mr. McPhee said that it is extremely subtle and they removed 30% of what was originally proposed. He would be willing to remove some but he said that a drive down Main Street will show that there are many properties who are in violation of the current code. Mr. McPhee said that the number of lights is being proposed for safety reasons.

Mr. Winter asked for a foot candle comparison. Mr. Buzzard said that they were done and the information is located on each one of the site plans. Mr. Winter asked if the distances were placed on the site plans. Mr. Buzzard said that they were not. Mr. Winter suggested that the Commission go through each one of the applications.

With regard to #75-23C, Mr. Winter asked if the Commission wanted more information or would like to go to a motion to approve. Ms. Casey said that she is all for dark sky but this area is in the Commercial District. While this will be pretty, the main reason for the number of lights is for safety. She did not think anyone would complain. Ms. Casey agreed with the statement made by Mr. McPhee with regard to other lighting on Main Street. Mr. Wyrick said that the number of lights doesn't equate to the quality of the light; it disperses it at a very low level and as presented, is very elegant. Ms. Hicks said that she was okay with the plan after finding out that the lights will be low wattage installed for safety. Ms. McAndrew understands what Mr. Manes was saying and might feel better if the number was reduced and that an agreed upon turnover time be applied.

---

TOWN OF KENT PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES FOR AUGUST 10, 2023

These are draft minutes and reflect a summary of discussions and relative motions. 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. Manes moved to approve the waivers as presented. Mr. Wyrick seconded and the motion carried unanimously.*

Mr. Manes asked if the lights could be put on motion detection after they are turned off. He feels that would provide safety as well as less light shed. Mr. McPhee said that he has no problem turning them off at 11:00 p.m. but keeping some on the walkways. There is some general lighting that is hooked up to motion detectors. The main concern is from twilight to 11:00 p.m. Mr. Manes said that would work for him. Mr. Wyrick feels that light control is very important. Mr. Winter asked if the gas lanterns would be kept on all the time. Mr. McPhee said they would and that they do not shed any light. Having the gas lanterns come on and off creates a maintenance problem and not suggested for a commercial application.

Mr. Winter asked if the L1's go off at 9:00 p.m. and the L 10's go off at midnight. Mr. Buzzard said that the L 1's are path lighting and they could come up with an on/off schedule. He continued by saying that they could provide the timing to the Commission and suggested that the path lights stay on until midnight and the other ambient lights would turn off at 9 p.m. Mr. McPhee said that they can always come back after the lighting is installed to see what the Commission thinks. He would like to at least put up one tree upright and see how it looks. Mr. Winter asked if this timing applies to the Fire Fly and the Victorian; Mr. McPhee said that it does for the most part work. There are situations where guests are coming in late but they have motion lights which will fill in.

*Mr. Manes moved to approve Application #75-23C, Kent Station, LLC, 9, 11, 13 Railroad Street, Map 19, Block 42, Lot 15, landscape lighting and gas lanterns that the landscaping as depicted in the plan providing it is installed and maintained; that the lighting provided for safe passage is turned off at midnight and that the other accent lighting be turned off at 10:00 pm and that the gas lanterns will remain on. Mr. Wyrick seconded. During discussion, Ms. Casey asked that they be left on later than 10:00 p.m. Mr. Wyrick noted that the pathway lights will remain on. Mr. Manes said that once the lighting has been installed, it will be possible for the applicant to come back to modify the application. The motion carried unanimously.*

**6.B.3.** Application #76-23C, Kent 88, LLC, 88 North Main Street, Map 19, Block 19, Lot 42, landscape lighting and gas lanterns.

The discussion of this application was done under agenda item 6.B.2.

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

*Mr. Manes moved to approve Application #76-23C, Kent 88, LLC, 88 North Main Street, Map 19, Block 19, Lot 42, landscape lighting and gas lanterns and that the landscaping as depicted in the plan providing it is installed and maintained; that the lighting provided for safe passage is turned off at midnight and that the other accent lighting be turned off at 10:00 p.m. and that the gas lanterns will remain on. With regard to the uplighting, in keeping with the ARB decision, one upright will be installed and a decision will be made about whether or not it shall remain and the second one installed. Mr. Wyrick seconded and the motion carried unanimously.*

**6.B.4.** Application #77-23C, 81 Victorian Kent LLC, 81 North Main St, Map 19, Block 42, Lot 5, landscape lighting and gas lanterns.

---

TOWN OF KENT PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES FOR AUGUST 10, 2023

These are draft minutes and reflect a summary of discussions and relative motions. 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.



The discussion for this application was done under agenda item 6.B.2.

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

*Mr. Manes moved to approve Application #77-23C, 81 Victorian Kent LLC, 81 North Main St, Map 19, Block 42, Lot 5, landscape lighting and gas lanterns and that the landscaping as depicted in the plan providing it is installed and maintained; that the lighting provided for safe passage is turned off at midnight and that the other accent lighting be turned off at 10:00 p.m. and that the gas lanterns will remain on. Mr. Wyrick seconded and the motion carried unanimously.*

**6.B.5.** John Casey Trust (Cozzy DeBernardo), 24 North Main Street, Map 19 Block 42 Lot 25, Change of use from retail to restaurant,

*Mr. Manes moved to continue agenda item 6.B.5. to the next regular meeting. Mr. Wyrick seconded and the motion carried 5 yays and 1 nay. McAndrew opposed.*

## **7. STAFF REPORT**

### **7.A. 2023 Acts Affecting Municipalities**

Ms. Kern noted that a summary of the new legislation has been provided and directed the Commission to the change regarding the daycare/adult care legislation. Mr. Manes asked that Ms. Kern spell out those items that are of specific interest to the Commission.

#### **7.A.1. Clarification Re: Repairers/Dealers License- 21 Bridge Street**

Ms. Kern explained that there is new legislation regarding repairers/dealers license which changes who approves them. In the past, ZBA would approve the use; now the ZEO approves it. Ms. Kern said that during a previous application, ZBA approved it with conditions which was not proper. There is a new application which will be approved by the ZEO for an additional small repairer working Monday - Friday from 9 - 5 p.m. Ms. Kern then read a description of what is currently located at 21 Bridge Street. Ms. Kern's question would be regarding the intensity of another repairer; the location is fine from the ZEO's perspective. Mr. Manes said that he believes there is clearly enough room. Ms. Kern said that the amount of businesses was never really declared and she was wondering if the Commission wanted to give her some direction. Mr. Manes said that, in the future, it would be up to Ms. Kern to come before the Commission for advice if she feels the use is being intensified. It was confirmed that the consensus was that there were not issues with this proposal to add a new business to this property. Mr. Winter said that he will abstain from voicing an opinion on this property.

## **8. REPORT OF OFFICERS AND COMMITTEES: N/A**

No action taken.

---

### **TOWN OF KENT PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES FOR AUGUST 10, 2023**

These are draft minutes and reflect a summary of discussions and relative motions. 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.

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

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

No action taken.

### **9.B. Kent Falls Brewing Company – Attorney Neil Marcus**

Mr. Winter informed the Commission that Ms. Kern had put together a list of what has been approved by the Commission. Atty. Neil Marcus was present representing the Brewery and said that he had not seen the list prepared by Ms. Kern. He said that he wrote his letter in response to her letter of January, 2023. His letter refers to the permits approved in 2015 and he said that permit #'s 43-15SP and 10-15SP were of concern for him. The applicant/owner was really in uncharted territory for that time and over time, the business has matured over what was envisioned back in 2015. Atty. Marcus said that the real issue has to do with the tastings and the conditions of approval.

Mr. Winter suggested that Atty. Marcus review the information created by Ms. Kern and that he come back to the Commission with his response which will be submitted to Atty. Zizka for response.

Mr. Winter asked Mr. Labendz if they were okay with the direction their attorney was going. Mr. Labendz said that his lawyer has their full support.

Atty. Marcus said that his client wants to continue his operation as they have been in the past and that the notice of possible violation not be enforced. Mr. Winter said that when that notice was first sent, the owner ceased the larger pours and it now seems that the owner will purposefully increase the amount of pours which the Commission believes will be in violation of the original approval.

### **9.C. ARB Vacancy Regular Member Term Expiration 8/10/25 – Elevation of Alternate**

Ms. Kern said that the ARB's recommendation would be that Jessica Pleasants be elevated to fill the vacant regular member position.

*Mr. Wyrick moved to elevate Jessica Pleasants to the position of regular member with a term expiration of August 10, 2025. Ms. Hicks seconded and the motion carried unanimously.*

## **10. EXECUTIVE SESSION: Pending Litigation: CT Judicial Branch Supreme/Appellate Case, Docket #: AC220015, High Watch Recovery Center, Inc. v. Town of Kent Planning and Zoning Commission.**

There was no reason to move into Executive Session.

## **11. Open session involving discussion and possible action on Pending Litigation: CT Judicial Branch Supreme/Appellate Case, Docket #: AC220015, High Watch Recovery Center, Inc. v. Town of Kent Planning and Zoning Commission.**

No action taken.

---

### **TOWN OF KENT PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES FOR AUGUST 10, 2023**

These are draft minutes and reflect a summary of discussions and relative motions. 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.

It was decided that a special meeting be scheduled for August 17th at 6:30 p.m. to discuss the change of use application associated with agenda item 6.B.5.

**12. ADJOURNMENT**

*Mr. Manes moved to adjourn at 11:33 p.m. Mr. Wyrick seconded and the motion carried unanimously.*

Respectfully submitted,

*Donna M. Hayes*

Donna M. Hayes, CZEO  
Assistant Land Use Administrator

---

TOWN OF KENT PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES FOR AUGUST 10, 2023

These are draft minutes and reflect a summary of discussions and relative motions. 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.