

**TOWN OF KENT**  
**PLANNING AND ZONING COMMISSION**  
41 Kent Green Boulevard  
P.O. Box 678  
Kent, CT 06757  
Phone (860) 927-4625 Fax (860) 927-4541

**JUNE 30, 2016 SPECIAL MEETING MINUTES**

The Town of Kent Planning and Zoning Commission held a special meeting on **Thursday, June 30, 2016** at **7:00 p.m.** in the Kent Town Hall.

**1. CALL TO ORDER**

Mr. Johnson called the meeting to order at 7:00 p.m.

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

Commissioners Present: John Johnson, Chairman; Karen Casey, Darrell Cherniske, Alice Hicks, Adam Manes, Marc Weingarten, Matt Winter, Wes Wyrick

Staff Present: Donna Hayes

Guests Present: Glenn Chalder, Planimetrics  
Michael Zizka, Esq.

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

No action taken.

**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.

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

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### 5.B.1. Regulation Re-write.

Discussion centered around the legal review that was prepared by Attorney Zizka and the issues that arose during that review. Some of the issues that were noted are:

- Page 34, §3100.11.b. Atty. Zizka advised the board that giving the ZEO the right to make those decisions can lead to a lawsuit against the ZEO; there is no protection.
- Page 34, §3100.10.a. The phrase “to the satisfaction of the Zoning Enforcement Officer” is not necessary. If the Commission is not specified, it will always be the ZEO; there is no reason to highlight it.
- Page 5, §2110. Atty. Zizka suggested that the wording “as amended” be deleted and that separate language be added.
- Page 7, definition of “accessway”. Atty. Zizka suggested that a better definition be provided.
- Page 31, §3122. Atty. Zizka suggested that the word “dwelling” be changed to something else or that a better definition be provided.
- Page 31, §3124.4. Atty. Zizka asked what a “historic site” was.
- Page 32, §3124.8.k. Atty. Zizka commented that this would need further clarification. Mr. Chalder agreed that it would need clarity.
- Page 32, §3124.9. Atty. Zizka suggested that the entire section be moved as it is more of a dimensional definition than a use.
- Page 35, §3134.10. Atty. Zizka asked what “in the region” meant and suggested that it be better defined.
- Page 35, §3134.7.a. Atty. Zizka asked for a better definition of “semi-public use”.
- Page 36, §3140. Atty. Zizka asked what would happen if there was no historical pattern.
- Page 37, §3224.10. Atty. Zizka pointed out that a special permit cannot be required for an affordable housing development and is not enforceable. Mr. Chalder said that he would change the phraseology and call it something else.

At this point in the meeting, Mr. Johnson asked if it would be more efficient for Atty. Zizka, Mr. Chalder and Ms. Hayes to work together. Atty. Zizka referred Mr. Chalder to the regulations he worked on for the Town of North Stonington, especially with regard to the signage.

Atty. Zizka also pointed out that the standards listed on page 97, §7130, are actually regulated by other agencies such as the police, DEEP, Health or Inland Wetlands. He asked the Commission if they really wanted to be responsible for assuring that the performance standards are met. Mr. Chalder replied that this section would be addressed during the permitting phase and not during the actual construction phase. He stated that the Commission had three choices: they could leave it in; take it out or simplify and re-word the first paragraph. Atty. Zizka felt that it could become a Town Ordinance. Mr. Chalder said that he would take into consideration and try to come up with a compromise. Atty. Zizka referred Mr. Chalder to the new regulations in North Stonington.

It was decided that Atty. Zizka would forward to Mr. Chalder and Ms. Hayes his comments/concerns. Mr. Chalder will then do a McKenzie audit, address Atty. Zizka’s comments and create a new list of possible changes.

Mr. Johnson said that he would speak with the Board of Selectmen with regard to the cost of the review.

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Atty. Zizka finished up by saying that the performance bond requirements are too broad and beyond State law.

No action taken.

**6. NEW BUSINESS:**

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

No action taken.

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

No action taken.

**7. STAFF REPORT:**

No action taken.

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

No action taken.

**9. OTHER COMMUNICATIONS AND CORRESPONDENCE:**

No action taken.

**10. ADJOURNMENT**

*Mr. Winter moved to adjourn at 9:06 p.m. Mr. Manes seconded and the motion carried unanimously.*

Respectfully submitted,



Donna M. Hayes, CZEO  
Land Use Administrator

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