

**TOWN OF KENT
PLANNING AND ZONING COMMISSION**

41 Kent Green Boulevard
P.O. Box 678
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Phone (860) 927-4625 Fax (860) 927-4541

OCTOBER 29, 2018 SPECIAL MEETING MINUTES

The Town of Kent Planning and Zoning Commission held a special meeting on Monday, **October 29, 2018** at **7:00 p.m.** in the Kent Town Hall.

1. CALL TO ORDER

Acting Chairman Winter called the meeting to order at 7:03 p.m.

2. ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED

Commissioners Present: Karen Casey, Anne McAndrew, Alice Hicks, Matt Winter,
Darrell Cherniske, Wes Wyrick, Adam Manes

Staff Present: Donna Hayes, Land Use Administrator and Tai Kern, Land Use Clerk

Guest Present: Attorney Michael Zizka

Anne McAndrew was elevated to voting status.

3. Executive Session. Pending Litigation: High Watch Recovery Center, Inc., v. Kent Planning and Zoning Commission; Birch Hill Recovery Center, LLC; Kent Realty, LLC in Litchfield Superior Court. Discussion of strategy and negotiations with legal counsel.

Mr. Cherniske moved to enter into executive session at 7:04 p.m. Ms. Casey seconded and the motion carried unanimously.

Mr. Cherniske moved to exit executive session at 8:36 p.m. Mr. Wyrick seconded and the motion carried unanimously.

4. Open session involving discussion and possible action on Pending Litigation: High Watch Recovery Center, Inc., v Kent Planning and Zoning Commission; Birch Hill Recovery Center, LLC; Kent Realty, LLC.

Adam Manes was elevated to voting status

**TOWN OF KENT PLANNING AND ZONING COMMISSION
SPECIAL MEETING MINUTES FOR OCTOBER 29, 2018**

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.

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BY
TOWN CLERK

Mr. Manes moved to not object to High Watch's withdrawal of the High Watch Recovery Center, Inc., v Kent Planning and Zoning Commission; Birch Hill Recovery Center, LLC; Kent Realty, LLC lawsuit. Mr. Wyrick seconded and the motion carried unanimously.

5. Training Session

Acting Chairman Winter explained that this is an opportunity to ask Attorney Zizka legal questions for the purposes of training.

Donna Hayes discussed signage and whether the design of a sign is considered content. She explained that this has become an issue with the ARB. Attorney Zizka explained that constitution dimension is not content based. The court says you cannot regulate an advertising sign. Size, location and lighting are the only reasons you can regulate a sign. Type face or design cannot be regulated because of statutory limitation regarding advertising signs. Persuasive reasons are needed to be provided by the ARB as to why a design does not meet the regulations. The ARB is a process which requires that an application is referred to them, but ultimately the P&Z Commission has the final decision on the matter

Attorney Zizka discussed the suggestion made by a Commission member that he be present at each meeting to represent the Commission. He noted several disadvantages to this including the loss of opportunity in the moment to discuss legal matters in an executive session. He feels that the communication via Land Use staff on specific issues is a better way to address the Commission's legal concerns. He will usually provide a letter to the Commission when asked for a legal opinion on a specific matter.

Wes Wyrick was dismissed at 8:51 pm.

6. ADJOURNMENT

Mr. Manes moved to adjourn at 9:00 p.m. Mr. Cherniske seconded and the motion carried unanimously.

Respectfully submitted,

Tai Kern

Tai Kern,
Land Use Clerk

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BY *[Signature]* TOWN CLERK

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