

**TOWN OF KENT**  
**PLANNING AND ZONING COMMISSION**

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**SEPTEMBER 8, 2016 REGULAR MEETING MINUTES**

The Town of Kent Planning and Zoning Commission held a regular meeting on Thursday, September 8, 2016 at 7:00 p.m. in the Kent Town Hall.

**1. CALL TO ORDER**

Mr. Johnson called the meeting to order at 7:05 p.m.

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

Commissioners Present: John Johnson, Chairman; Karen Casey, Richard Chavka, Darrell Cherniske, Adam Manes, Matt Winter, Wes Wyrick

Staff Present: Donna Hayes, Land Use Administrator

Mr. Johnson elevated Mr. Chavka to voting status.

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

3.A. Regular Meeting Minutes of August 11, 2016.

*Mr. Manes moved to approve the Regular Meeting Minutes of August 11, 2016, as written. Mr. Wyrick 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.

5.B. DISCUSSION AND POSSIBLE DECISION

*Mr. Manes moved to hear agenda item 5.B.1. at the end of the meeting. Mr. Cherniske seconded and the motion carried unanimously.*

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### **5.B.1. Rewrite of Zoning Regulations**

Ms. Hayes advised the Commission that she had spoken with Attorney Zizka regarding the changes that were made by Mr. Chalder. She went on to explain that Attorney Zizka was concerned that not all of his suggested changes were incorporated into the final version and strongly urged that the section that discusses conservation development be moved from the zoning regulations into the subdivision regulations. He also would like to see all of his noted questions addressed before the Commission goes to public hearing for final adoption. Ms. Hayes said that she would take the time to compare Attorney Zizka's review copy with the final version and present that to the Commission at their special meeting. At this point in time, Attorney Zizka will hold off on any further review.

Mr. Cherniske asked Ms. Hayes if she thought the Commission could make the changes to the Subdivision Regulations without the help of Mr. Chalder. She said that she thought it could be done with the help of Attorney Zizka.

### **5.B.2. South Kent Partners, LLC, addition of 2<sup>nd</sup> apartment, 314 South Kent Road, Map 12 Block 38 Lot 2.**

Ms. Hayes referred the Commission to the response from Attorney Zizka which basically stated: "Although it is a close question, we think the proposed change of use would be permissible." Attorney Zizka's response also said: "...when regulations are ambiguous and two reasonable interpretations are available, the courts tend to favor the interpretation that is less restrictive. In addition, we think most courts would be likely to view the building as containing two separate uses, with the proposed change involving only the conforming, single-family dwelling use. Since that use would be replaced by another conforming use, we think it is most likely that a court would hold the change to be permissible." The Commissioners agreed with Attorney Zizka's determination.

As a result, the following motion was made:

*Mr. Manes moved to have Ms. Hayes issue the permit for the addition of the 2<sup>nd</sup> apartment within the guidelines written by Attorney Zizka. Mr. Winter seconded and the motion carried unanimously.*

## **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**

#### **6.B.1. NHCOC Plan of Conservation & Development (PoCD)**

Ms. Jocelyn Ayer, Community & Economic Development Director, Northwest Hills Council of Governments, was present to address the Commission. She gave a brief presentation of the process the COG will be taking during the creation of the PoCD. Ms. Ayer also asked the Commission members and those in the audience to take part in a survey regarding what changes residents would like to see happen within the 21 participating towns in the Northwest corner.

In addition to the PoCD and the survey, Ms. Ayer told those present that the COG will be taking steps to become a more visible organization by participating in various events that will be taking place in the NW corner.

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- 6.B.2.** Application #68-16C, Steven Kalur for Daniel Friedman, 81B Geer Mountain Road, screen porch and outside terraces in Horizonline Conservation District, Map 11 Block 40 Lot 62.

Ms. Hayes explained that the application is for a screened porch and additional terraces located within the Horizonline Conservation District and that due to the square footage, she could not issue an administrative permit for the work. She advised the Commission that no trees will be removed for the construction of either the porch or the terraces.

Mr. Johnson asked if there would be any lighting. Mr. Kalur, representing the owner of the property, answered that there will be two dark sky compliant lights on the exterior and some high hats in the ceiling of the porch.

*Mr. Manes moved to approve waivers to §'s 4.3.2., 4.3.3., 4.3.5., 4.3.7., 4.3.8., 4.3.9., 4.3.10., 4.3.11., and 4.3.12. Mr. Cherniske seconded and the motion carried unanimously.*

*Mr. Winter moved to approve Application #68-16C, Steven Kalur for Daniel Friedman, 81B Geer Mountain Road, screen porch and outside terraces in Horizonline Conservation District, Map 11 Block 40 Lot 62 with the understanding that all outdoor lighting will be full cutoff and dark sky compliant. Mr. Manes seconded and the motion carried unanimously.*

- 6.B.3.** Application #72-16C, Trevor Soule for Peter Stone, 174 Cobble Road, addition of covered front porch in HorizonLine Conservation District, Map 10 Block 42 Lot 32.

Ms. Hayes referred the Commission to the photographs that were attached to the application and explained that the property owners wanted to add a front porch to the existing house changing the look from colonial to farm style. She also explained that due to the square footage of the proposed porch, she could not issue an administrative permit for the proposed work.

Mr. Johnson asked if there would be any lighting and Mr. Soule, representative for the property owner, responded that there will be some recessed lighting on the ceiling of the porch and the existing front door sconce will remain. It was noted that the pitch of the new roof will actually eliminate some of the interior lighting coming from the existing front windows.

*Mr. Manes moved to approve Application #72-16C, Trevor Soule for Peter Stone, 174 Cobble Road, addition of covered front porch in HorizonLine Conservation District, Map 10 Block 42 Lot 32. Mr. Cherniske seconded and the motion carried unanimously.*

## **7. STAFF REPORT:**

*Mr. Winter moved to hear agenda item 7.A. at the end of the meeting. Mr. Manes seconded and the motion carried unanimously.*

Mr. Manes left the meeting at 9:00 p.m.

- 7.A. Executive Session. Pending Litigation: Planning & Zoning Commission of the Town of Kent Et Al v. Burt, Kenton L. Et Al, Docket No. LLI-CV-16-6013331-S in Litchfield Superior Court. Discussion of strategy and negotiations with legal counsel.**

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*At 9:01 p.m., Mr. Winter moved to go into Executive Session. Pending Litigation: Planning & Zoning Commission of the Town of Kent Et Al v. Burt, Kenton L. Et Al, Docket No. LLI-CV-16-6013331-S in Litchfield Superior Court. Discussion of strategy and negotiations with legal counsel. Mr. Cherniske seconded and the motion carried unanimously.*

The Commission came out of Executive Session at 9:10 p.m.

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

### **8.A. Presentation of Incentive Housing Zone Subcommittee**

Mr. Winter gave a brief recap of the work that was done by the Subcommittee. During the discussion it was noted that Mr. Michael Everett had created an addendum to the Final Report which both he and Ms. Jocelyn Ayer thought would benefit potential developers. The reason for the addendum is to provide potential developers with a better understanding of the type of design that should be presented and to also provide the Planning & Zoning Commission with alternative options to the suggested development. Ms. Ayer said that the addendum is a document that could benefit any potential developers by providing them with an understanding of the design criteria that the Commission would be looking for and an understanding of what would be in keeping with the design of the Town itself. She continued that this would be something that she could present to representatives from Goman + York who might be able to supply the names of potential developers.

After a brief discussion, it was decided that Mr. Everett work with Mr. Chalder to find a way to incorporate the addendum into the Final Report. It was also noted that the money from Phase I of the grant had been spent and a discussion was held regarding finding the funds necessary to pay Mr. Chalder for this additional work.

*Mr. Manes moved to allow an expenditure of no more than \$1,000 for the incorporation of the Addendum into the Final Report. Mr. Cherniske seconded and the motion carried unanimously.*

*Mr. Manes moved to continue the Incentive Housing Zone Subcommittee report to the next regular meeting. Mr. Cherniske seconded and the motion carried unanimously.*

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

### **9.A. Actual vs Budget Financials FY 2015 - 2016**

No action taken.

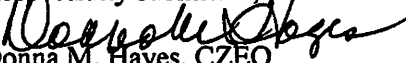
### **9.B. Administrative Permits and Certificates of Compliance**

No action taken.

## **10. ADJOURNMENT**

*Mr. Winter moved to adjourn at 9:11 p.m. Mr. Cherniske seconded and the motion carried unanimously.*

Respectfully submitted,

  
Donna M. Hayes, CZEO  
Land Use Administrator

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## OVERVIEW

### Regional Plan of Conservation & Development Update (new 21-town NHCOC region) September 2016

**OVERARCHING GOAL:** To develop regional goals, strategies, and identify partners and resources for implementation in each of the main topic areas described below. *The Plan will be designed to be easy to use by member town's land use commissions to get the information they might need for their own work.* The first year of the proposed process will consist mainly of outreach events and meetings in each member town in partnership with the town's planning commission.

**WHY CREATE A REGIONAL PLAN:** Partly, because we are required to by State Statute. CGS Sec. 8-35a requires that COG's prepare a Regional Plan of Conservation and Development at least every ten years. When we receive referrals of zoning regulation amendments or town plan updates we check to make sure that the proposed changes do not conflict with the policies laid out in the Regional Plan. In addition, the policies in the Plan are very helpful in preparing letters of endorsement for proposed municipal projects needed for STEAP and other funding sources.

Another reason to prepare the Plan is because it presents an opportunity to study our 21-towns' local land use plans and strategies, gather stakeholder groups and organizations in the region already working on these issues together, and *determine how we can strategically and collaboratively move the region forward in meeting its goals.*

#### **MAJOR PLAN TOPICS:**

1. Conservation & Recreation
2. Jobs & Vibrant Main Streets
3. Housing
4. Local Food & Agriculture
5. Climate & Energy
6. Infrastructure
  - Transportation
  - Communications (cell phone, high speed internet)
  - Services to support our aging population
7. Land Use (including priority conservation & development area mapping)
8. Implementation & Community Engagement

#### **CURRENT CONDITIONS & TRENDS:**

The plan will provide data on the major regional trends affecting all topic areas such as the aging of the population, declining school enrollment, employment shifts, housing and land use trends. This data and analysis will provide direction for stakeholders to make informed strategic decisions about goals and strategies to be included in the plan.

**PROCESS:**



**TIMELINE:**

MARCH 2016 NEW Regional Plan kickoff

JULY 2016 Data/trends for all topic areas listed above collected, analyzed, and findings summarized. *Town level demographic, economic, and housing data available to towns.*

AUG-DEC 2016 COG staff will attend a planning & zoning commission meeting in each town to present regional and local data and trends and invite feedback on regional goals, strategies and priority area mapping. Web based survey launched to collect resident input.

OCT 2016-  
MARCH 2017 Attend local and regional events to get resident feedback on Regional Plan goals and strategies. Hold focus group sessions on major topic areas with key stakeholder organizations in the region and local Planning Commission members.

SPRING 2017 Create draft Plan for comment.

SUMMER 2017 Public comment, public hearing, and revisions.

FALL 2017 FINAL PLAN

**ON-GOING LOCAL INPUT DURING REGIONAL PLAN DEVELOPMENT:**

NHCOG has requested that each town's Planning Commission "appoint" one or two volunteers who can commit to attending at least two of the four 5<sup>th</sup> Thursday forums per year while the Regional Plan is being developed. These 5<sup>th</sup> Thursday forums will focus on one of the Plan's topic areas and soliciting local feedback on possible regional strategies and implementation steps.

Forum dates: June 30<sup>th</sup> Food & Agriculture, Sept. 14<sup>th</sup> Housing, Sept. 29<sup>th</sup> Climate & Energy, Nov. 30<sup>th</sup> Conservation & Recreation, January Jobs & Vibrant Main Streets.

**QUESTIONS?FEEDBACK?:** Contact Jocelyn: [jayer@northwesthillscog.org](mailto:jayer@northwesthillscog.org), 860-491-9884.