

**TOWN OF KENT
PLANNING AND ZONING COMMISSION**

41 Kent Green Boulevard
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Phone (860) 927-4625 Fax (860) 927-4541

JUNE 25, 2015 SPECIAL MEETING MINUTES

The Town of Kent Planning and Zoning Commission held a special meeting on Thursday, June 25, 2015 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, Darrell Cherniske, Alice Hicks, Adam Manes, Matt Winter

Staff Present: Donna Hayes, Land Use Administrator

Guest Present: Glenn Chalder, Planimetrix

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

5.B.1. Regulation Re-write – review of Chapters 9 - 10 of the second version.

Mr. Chalder directed the Commission to page 109. Mr. Johnson commented that he was not sure what “installed” meant in section 8.230.3 on the bottom of the page and asked if “proposed” would be a better

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Donna Hayes
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word. Mr. Chalder referred the Commission to page 70, section 18.1.3. of the original regulations which state: "The Commission shall have the right to require additional spaces if it determines that the number of spaces required were not adequate for special circumstances." Mr. Chalder said that this sentence gives the Commission the opportunity to require additional spaces if it is found that the original amount of spaces was not sufficient. Ms. Hayes said that she thought it refers to the "as determined by the Commission". Mr. Chalder said that the verbiage on page 70 is past tense and thought that was a way to enable changes to the parking after-the-fact. Mr. Johnson said that he is not sure the Commission could require that. Ms. Hayes said that she thought it could be done if it was a safety issue or if the office received complaints. Mr. Johnson said that there are minimum requirements but that the Commission could require more during the application process. Mr. Chalder said that it was a little tricky on how this could be done effectively. Mr. Manes asked Mr. Chalder how other towns handle situations where parking becomes insufficient due to popularity. Mr. Chalder replied that it could become a police matter/traffic control issue. Ms. Hayes asked if it could be handled by the ZEO going to the owner of the business and asking them to come in voluntarily to discuss the parking situation. Mr. Chalder said that would be the best way to handle it, but the situation becomes complicated if the owner of the business refuses to do that. Mr. Chalder referred to the Commission to section 8.220.2 and said that it might not be a great tool, but it is leverage and should be used as way to come up with a compromise.

Mr. Chalder said that he did not think this wording will allow a change during the process. He thinks that the minimum standards are good. Mr. Johnson said that he was uncomfortable leaving #3 as written. Mr. Chalder said that the issue is the word "require". Mr. Manes said that he feels it is something to discuss after-the-fact. Ms. Hayes questioned whether or not the wording in the original regulation was incorrect. Mr. Chalder said that he would revise #3 to make it clearer and reflect 18.1.3. Mr. Cherniske said that he would like to keep the parking lean and be able to make adjustments during the application process.

Mr. Johnson said that under the new regulations, the Commission can decrease the requirement during the application process and wondered whether they could increase them as well. He continued that if Mr. Chalder wanted to look at it, he had no problem with that. Mr. Chalder replied that he would like to check the due process. Mr. Chalder cautioned the Commission about the legality of changing the rules midstream. He will take another look and was in agreement with the original language. Mr. Johnson said that he feels the original language ties to the application process. Mr. Manes said that the word "were" is incorrect and should be changed to "are". Mr. Johnson said that it would be okay with him to delete #3 on the bottom of page 109. Mr. Cherniske asked it if was a statutory requirement to provide parking requirements. Mr. Chalder said that he will change the tense make it clear that the parking requirements can be changed midstream. Ms. Hayes asked if parking can be created according to location instead of use? Mr. Chalder said in his experience it is "use" based. Mr. Manes asked if Mr. Chalder would be deleting #3 on the bottom of page 109 and he replied that he will swap it out with the original language and not use the word "installed".

Ms. Hayes asked what happens if a use is not listed on the parking charts on pages 110, 111 and 112. Mr. Chalder said that if the use is not listed, it at the discretion of the Commission.

With regard to page 112, Mr. Johnson asked if it was necessary to have 4 categories under section 8.240. Mr. Chalder said that he could change the language to state: "one loading space per every 20,000 square feet" and delete the rest of the table.

On page 113, Mr. Johnson asked if the 500' standard under section 2.a, was reasonable. Mr. Chalder said that it all depends on what would be a comfortable walking distance. Mr. Johnson said that he would prefer to be more lenient with the requirement. No change will be made.

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On page 114, section 8.260.1, Ms. Hayes asked if the words "nine", "eighteen" and "twenty-three" could be changed to the actual number as it would be easier to find. Mr. Johnson also asked if the diagram will be added to the page and Mr. Chalder said that it would.

Mr. Chalder asked Ms. Hayes for clarification regarding section 4 on page 118. He said that he will rearrange the language in order to make it clearer.

Mr. Johnson asked that the word "such" be added to section 3 on page 119 in between the words "that sidewalks" and also in #4 in between the words "that pedestrian".

Mr. Chalder said that he would like to add the words "by special permit" to areas that say "Unless modified by the Commission" due to the new Court decision known as the McKenzie Case. Mr. Winter asked what the Commission wanted out of the regulations; to give the Commission a clear direction as to what can and cannot be done; or, that the regulations give the Commission the wiggle room to do what they want. He continued that he would like more of what he can and cannot do. Mr. Chalder said that his goal is to be able to create regulations that are as clear as possible in order to allow the applicant to be able to complete their project. He also wanted them to be flexible enough to allow approvals through the special permitting process. Mr. Johnson said that he would rather be a little more flexible.

With regard to page 123, Mr. Johnson said that the word "objectionable" on the last sentence in section 8.610 was very subjective. Mr. Chalder said that he could change the language to read "that might produce glare or light trespass".

On page 124, Mr. Chalder said that he is not very well versed in the lighting levels. He asked the Commission members if they could do a little research about what a "foot candle" looked like and said that he would pose the question to the ListServ. Mr. Johnson asked if the reference to the IESNA should be removed. Mr. Chalder said that he would go back and look at the reference and possibly change it if it is not necessary.

With regard to Section 9.200, Mr. Chalder explained that with regard to non-conformities, the regulations will now allow the Commission to grant a special permit rather than having the applicant apply for a variance. By doing this, the Commission can assign conditions to make sure that the neighbors are not affected by the change. It was suggested that this be explained to the ZBA for comment.

With regard to #8 on page 135, Mr. Johnson asked what would happen if the structure is being demolished to be rebuilt. Mr. Chalder said that was a touchy subject and that most people will demolish only 3 of the 4 walls. Ms. Hayes said that most towns give the owner 6 months to rebuild. Mr. Chalder said that he could give the Commission the ability to handle it via a special permit and would create the language for review.

On page 137, Mr. Winter asked if it was necessary to have #9. Mr. Chalder said that #9 falls squarely on the shoulders of the ZEO but questioned the "thirty-five (35)" day phrase. He asked if everything should come to the Commission. Mr. Manes pointed out that the regulation says "may authorize" and if the ZEO is not comfortable, they could refer it to the Commission. Ms. Hayes advised the Commission that this time of the year, there are many fund raisers for the different land trusts and the library. While she does not get asked to approve the use, she does sign the liquor license. Mr. Chalder asked Ms. Hayes if she has ever come across a situation that she was not comfortable with and she said that the hop festival would be something she would refer to the Commission. Mr. Chalder said that he would leave the discretion with

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the ZEO, while reporting the decision to the Commission and taking out the 35 days. Ms. Hayes asked if the word "other" would open the door to uses that the Commission does not feel are appropriate for the district. Mr. Chalder said that he does not like the word "non-commercial", but it was a suggestion. Mr. Manes said that the hop festival, which is commercial, is a once a year event and did not feel that it would pose an issue. Ms. Hayes asked if there could be a distinction between not for profit and profit. The Commission said that they did not feel that would be fair. Ms. Hicks and Mr. Manes suggested that organization can have one event without approval. Mr. Chalder said that he will rewrite the whole clause making it clearer. Mr. Winter asked that the wording make it easy for the ZEO to refer to the Commission. Mr. Johnson said that he likes where this is going and agrees with Mr. Winter. Mr. Chalder said that he would also require the ZEO to report any activity to the Commission.

Mr. Winter asked if dumpsters could be added to #8 and be tied in with construction. Mr. Chalder said that the construction dumpsters have a 1 year limit. Mr. Manes suggested using "roll off" instead of "dumpster". Mr. Chalder said that he will adjust the language.

Mr. Chalder asked if the Commission would like to review section 10 which involves the procedures and statutes. He asked Ms. Hayes to review it and once done, they could set up a meeting to discuss the section.

Mr. Chalder asked Ms. Hayes how she handles notification of public hearings. She replied that all she does is publish a legal notice. Mr. Chalder explained that he added two additional ways of notification and said that this is the time to change if Ms. Hayes was getting any push back from the residents. She answered that she has been getting some lately. Mr. Manes said that in other towns, he has been required to send out certified, return receipt, letters. Mr. Chalder said that some towns are purchasing signs and they are given out to the applicant for installation at the affected property. Mr. Johnson said that sending out certified mail is onerous and expensive. Mr. Manes agreed, but feels it works well. Mr. Chalder asked the Commission if they wanted to add to section 10.430.4. Mr. Winter said that he would like to see something else added. Mr. Chalder suggested the sign with a referral to the website for further information. Mr. Cherniske said there could be ambiguity on how to post the sign. Mr. Chalder said that the language could be specific on how to post it. Mr. Johnson said that he would like to see language on the signs.

Having no further discussion on the regulations, Mr. Chalder said that he would work with Ms. Hayes on section 10 and will work on the regulations over the summer revising them one more time. The next meeting will be at the end of September and if the Commission was comfortable with the final draft, there could be an informational meeting in October and a public hearing in November.

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.

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7. STAFF REPORT:

Ms. Hayes told the Commission that Attorney Zizka had submitted a court decision to her regarding signage. The information was given to Mr. Chalder so that he could go through the regulations and make the appropriate changes based on the court decision.

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 8:45 p.m. Mr. Cherniske seconded and the motion carried unanimously.

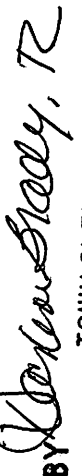
Respectfully submitted,



Donna M. Hayes, CZEO
Land Use Administrator

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