

**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

**JANUARY 22, 2015 SPECIAL MEETING MINUTES**

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2015 JAN 26 P 3:09

*B. Clark*  
TOWN CLERK

The Town of Kent Planning and Zoning Commission held a special meeting on Thursday, **January 22, 2015 at 6:00 p.m.** in the Kent Town Hall.

**1. CALL TO ORDER**

Mr. Johnson called the meeting to order at 6:05 p.m.

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

Commissioners Present: John Johnson, Chairman; Karen Casey, Dennis De Paul, Alice Hicks, Adam Manes, Matt Winter

Staff Present: Donna M. 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.**

Mr. Johnson turned the meeting over to Mr. Chalder while the Commission waited for Mr. Bart Clark, Oakwood Engineering, to appear before the Commission to discuss his experiences working with the Town of Washington and their change from soil based zoning to density based zoning.

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Mr. Chalder told the Commission that they should have received his latest version of the new regulations. He explained that this version incorporates his initial changes as well as the changes discussed with the Commission over that last 10 months or so. He would like to see the next step be the sharing of the new edition with the public and having a meeting with public comment. Mr. Chalder also told the Commission that he has the soil information from HVA and plans on updating the soil maps in order to make sure that both the soil map and the regulations are in sync. He noted that he still has to fine tune the areas of the Regulations that refer to other sections, making sure that the reference is accurate.

Mr. Johnson then turned the meeting over to Mr. Bart Clark.

Mr. Clark explained that he had been invited by Ms. Hayes to come before the Commission to speak about the differences an engineer might have planning a subdivision using density based versus soil based zoning.

Mr. Clark presented a site plan for a proposed sub-division on approximately 28 acres with rugged terrain and a lot of ledge. He continued stating that Washington's plan is similar to Kent's soil based plan because the soils are similar, but the main difference is the density factor that Washington implemented. Mr. Clark said that this density factor process is very cumbersome because every subdivision will require a soil scientist to designate the different soils, including both upland and wetland soils. Mr. Clark said that most soil scientists don't mind showing general soil locations but to identify the actual boundary between two different soils is not an exact science and is expensive to do. He told the Commission that the soil boundaries in wetlands are more precise.

With large subdivisions, you can use USGS materials and online topo information, but Mr. Clark also cautioned that floodplain information and areas around the Housatonic and Connecticut River corridors were not properly identified. Mr. Clark said that obtaining the preciseness might not meet the goals or costs. Locating the soils will not tell you about the lots ability to provide a water system or for the location of the septic system. He stated that this process would be better suited for large developments, but for smaller subdivisions, it becomes a very cumbersome and expensive procedure.

After the soil scientist has identified all the different type of soils, then it becomes the responsibility of the surveyor to follow up by flagging them and placing them on the site plan. Mr. Clark pointed out that there was a seasonal watercourse on this particular piece of property which could not be used in the density calculation. In this particular case, it was a small area that required a large amount of effort to remove from the calculation in order to determine the density calculation.

Mr. Clark continued stating that he did not think the basic calculation form in the regulation is workable and as a result he created separate charts to be placed on the site plan. In addition, separate calculations have to be done for each individual lot. He did not think that was the intent of the regulation but it is a requirement. Applying it to the entire piece of property was understandable, but Mr. Clark does not agree that it should be applied to each individual lot.

Mr. Clark said that once the density was calculated on the original lot, it was determined that the density would be 1.44. Mr. Chalder asked what density was based just on soil types. Mr. Clark responded by stating that the density would be 4.1 dwelling units. Mr. Chalder commented that the property owner could have done four lots but chose to do two. Mr. Clark responded that once the density was calculated on each individual lot, it dropped the density down to 1.44. Mr. Chalder said that when the original regulation was written, that was not the initial intent.

Ms. Hayes asked how many lots were originally requested. Mr. Clark said that it was not that sophisticated. The owner basically asked how many lots she could get. Mr. Chalder asked Mr. Clark, based on his experience, how

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many lots he thought could have been created and Mr. Clark said 3. When asked how this would have played out in Kent with their current zoning, Mr. Clark said that 3 lots would have been possible. Mr. De Paul commented that it would have been done a lot less expensively. Mr. Johnson asked Mr. Clark what the expense was to go through this process and Mr. Clark said that it was between \$25,000 and \$30,000 for two lots.

Ms. Hicks asked how large the lot was. Mr. Chalder said to keep it all in context, this lot was a very challenging lot with steep slopes, etc. But, the purpose of the soil based density approach is to look at all the characteristics of the parcel and let the land talk to the proper number of houses which would then be sited in the best possible places on the land. The idea is to preserve the views, the water, the wildlife corridors, etc. By having to run the second calculation for the individual lots, it not only changed the density factor, but added additional costs associated to the soil scientist. Mr. Chalder said that it seems that there are now other additional standards which have complicated the process and that because the calculations are now applied to the individual lots, it affects the calculated density for the entire parcel.

Mr. Manes asked Mr. Clark what the difference in cost would have been if the same thing was done in Kent. Mr. Clark said that it would have been at least \$10,000 for both the soil scientist and the surveyor.

Mr. Johnson asked if you need to set standards for each individual lot. Mr. Chalder said that the intention was to have a system of flexible development. Mr. Clark said that he has seen density based zoning used more frequently in cluster housing developments. He said that Washington's open space requirement affected the individual lot calculation, too.

Mr. Manes asked what the drawback would be if the individual lot calculation was not done. He asked why it was required. Mr. Clark replied that the ultimate goal in a suburban lot is to determine whether or not you have room for the septic system, if you can install a driveway, if you can stay out of the wetlands and if you can install a well. If those requirements are met, Mr. Clark said that he does not see a problem because the design meets the statutes and the lot habitable. Mr. Chalder said that the owner basically asked how many lots she can get out of this piece of property. He continued that under Washington's regulations, she was only able to get two lots and that maybe, under a simpler regulation, she might have gotten four lots. Ms. Hicks commented that it doesn't mean the value was affected or the lot was devalued. Mr. Manes said that no one was saying that; it was just that there was more expense to come to the decision.

Ms. Casey asked what the time frame was for this. Mr. Clark said that the subdivision was approved but was never filed on the land records and the property was sold as one lot, with one house.

Mr. Johnson said that if you did not have to proof each lot with those formulas, you would still need some standards. Would the standards that Mr. Clark mentioned and the standards from Torrington Area Health District be the determining factors for the layout? Mr. Chalder replied that once the lots were determined, there was flexibility on the dimensional standards so that more conservation standards could be met. He wasn't sure, but he thought that the more conservation you met, the more flexibility the developer could have on the other standards. Mr. De Paul stated that land that is unbuildable is not appropriate open space. He continued that sometimes spending more and more to get more and more information is not useful and asked if core samples were being provided. Mr. Clark said that the soil scientist usually reads soil types approximately 24" – 36" deep.

Mr. Winter said that it has been suggested to the Commission that they could get an accurate idea by looking at maps and available resources of how many lots could be developed on a parcel of land and then applying the density factor so that the applicant doesn't have to get a soil scientist as long as the proposal is under the threshold. Mr. Clark said that there are two variables to consider: one is that the existing soils data was developed for agricultural purposes but over the years it has been applied to development purposes. Those soil

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surveys were meant to be applied to large parcels and there is a disclaimer on the soil scientist websites which states that the data might not be accurate to soils on parcels under 20 - 10 acres. He continued by stating that the cost is usually more per lot when you are compiling information on smaller developments rather than on larger developments. Mr. Winter said that if you wanted to get the maximum number of lots out of the parcel, you would have to do the more intensive research. If not, then Mr. Winter is suggesting that the intensive research not be done. Mr. De Paul asked if the more intensive research would still have to be done if the parcel was one or two lots and Mr. Clark responded that it would. Mr. Chalder said that he feels the reason the extensive research was done was because each individual lot had to be calculated to meet the standards. Mr. Winter said that he understood that the individual lot calculations only had to be met because the plan surpassed the 40% threshold. Mr. Chalder said that when the regulations were originally crafted, the implementation of the 40% threshold was written so that an owner could split off a lot to a family member without having to go through this intensive research. He continued that somewhere down the line, the new requirement that the threshold had to apply to each lot was written into the regulation and that now requires the applicant to do the intensive research.

Mr. De Paul asked if that option was being proposed to Kent. Mr. Chalder said that there are the three proposals: simple minimum lot size which applies in Village Center R1 and R2 and, with the change to the regulations, Birch Hill Court; keeping with the current soil based lot system but changing the soil codes; and the third would be soil based density approach. Mr. Chalder said that the density factor could be changed for agricultural soils, but then the Town is not truly staying with a soil based approach. Mr. Clark said that soil based zoning was championed by Norm Benson who did not want the soil based approach applied to individual parcels, but town wide so that lot sizes would be assigned in areas. The preservation of agricultural lands would be handled separately. Mr. De Paul said that he thought an overlay zone for ag soils would be appropriate because the good ag soils will be the first to go. Mr. Winter asked if, during the soil based approach, one acre zoning was created on the best soils because that's where the septic system would go. Mr. Clark said yes. He pointed out that now with the new technology, having a septic system in class A soils is not the way to go because the nutrients and bacteria could perk through the soils and into the water system. Mr. Chalder said that the state did an analysis back in the 80's regarding watershed land, and it was recommended that in public water supply/watershed areas, 2 acres should be considered as minimum lot size. He asked Mr. Clark if he thought that using 1 acre zoning in A or B soils would still function okay over time. Mr. Clark replied that class A or B soils are not too common in this area, so there would not be huge density area developments. There has been a lot of research that states you need at least 2 acres of land to accommodate waste water disposal.

Mr. Chalder said that if Kent re-categorizes the soils and uses 2 acres as the minimum, there would be a better opportunity to preserve the agricultural lands. Doing that might point the Commission away from density based zoning and back to minimum lot size zoning. Mr. Chalder stressed that the Commission does not have to make a decision right now and suggested that getting public comment might be a great idea.

Mr. De Paul asked Mr. Clark which direction he would go if he had an opportunity to change the current soil based zoning. Mr. Clark responded by saying that soil based density factors have a place in large developments. In smaller properties, it's burdensome to apply and you can meet the goals of a subdivision regulation with a lot less information using the standard minimum lot size based on soils in the area that the Commission decides on.

Mr. Johnson asked to go back to a question that Mr. Winter asked for clarification. The preliminary review of the property used in the example said that 4 lots could be created. If they wanted to do 2 lots or more, and they were over the 40%, would they still have to do all of this research even if they did not have to proof each lot? Mr. Chalder said that it is the fact that this example is dealing with a small lot and a lot with steep slopes. The calculation came to 4.2 and 40% of that is 1.6 lots. That is what pushed them into the extensive research. It could be possible that the 40% density factor is too conservative. Mr. Johnson asked if this would have been an

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unusually complicated proposal because of the land. Mr. Clark said no and that this type of parcel is not unusual for the Town of Washington.

Mr. Jos Spelbos, a member of the audience, asked if there would have been a difference if the soils were divided into 4 or 5 groups with the boundaries being tracked. Mr. Clark responded that it was probably something that was already done and that back in the 1980's something like that was prepared for the Commission. It seems like it would simplify things. Mr. Spelbos said that it seems to achieve the same goal and does it less expensively.

Mr. Chalder said that the Commission is proposing mandating conservation design. Mr. Clark said that he likes the idea of conservation design, but mandating it becomes a problem because not every land owner situation allows easy consideration of that. Mr. Chalder further explained that regular subdivision would require a special permit. Mr. Clark said that he is currently working with a family of 5 who are trying to decide how to divide the estate and mandating conservation makes it difficult for the family to decide how to split the property. Mr. Chalder said that he can understand that. Mr. Clark said that he did not think it makes a difference to a developer. They are mostly concerned in getting the subdivision done as quickly as possible.

Mr. Johnson asks what would happen if the Town is divided into minimal lot sizes in the rural district and a developer comes in with 50 acres of 5 acre soils and we're doing conservation development does that mean 10 houses but not 5 acre lots. He continued saying that the density base would be applied. Mr. Chalder said that developers appreciate the clear path and once the math is done, there is no uncertainty. The scenario that Mr. Johnson described could be achieved. Mr. Chalder said that there is a lot to be said for simplicity because the important resources can be protected and the land is not being stressed.

Mr. Winter asked why a minimum lot size, soil based system does not provide for a conservation development. Mr. Chalder said that it was because you're basing the lot on a specific size based on the soil type and there is no flexibility. He would encourage the Town to think about not counting land more than once but you need to determine the total potential. Mr. Winter asked if making conservation development by right changes it. Doesn't the conservation idea dictate that? Mr. Chalder said that it would be written very differently. He used Washington's regulations as an example where they use open space requirements. When you use soil based minimum lot, there is no flexibility and it does not indicate conservation. With a conservation development, the number of lots are still determined, but the location of the structures and the sizes of each lot are developed based on the natural resources that the Town wants to preserve. The more open space preserved, more flexibility can be given to the developer. Mr. Chalder said that it could be done. Mr. Clark said that conservation development is frowned upon because the public has been conditioned to like larger lots. Mr. De Paul said that he read a white paper that now states that people like the houses closer together. He understands that is not happening here. Mr. Clark continued that in some conservation developments, the infrastructure and roadways are owned by the homeowners and now people are not wanting to live in a community where you are told what you can and cannot do. Mr. Spelbos used Brookwoods as an example which is a popular development that was designed with open space and a shared septic allowing the houses to be placed closer together. Mr. Clark said that Kent has a couple of developments like that but the main issue with a shared septic is the approval process which can take up to 2 years by the State. Mr. Winter asked if that could be done with the water system. Mr. Clark said that it is possible as long as you abide by the state requirements. Mr. Clark told the Commission that there was a condominium complex where instead of installing one large, shared system, each unit got their own septic. Unfortunately, they were so close together that it was not long before they started to fail.

Ms. Hayes asked if there was some way to set it up so that you can deduct what is not buildable before doing the calculations to determine the density. Mr. Chalder said that there was and suggested that Kent use that process. Ms. Hayes said that she likes setting it up that way. Mr. Chalder said that the biggest challenge is setting the number of lots. After that it becomes a collaborative effort between the Commission and the developer to

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determine the actual placement of the houses so that the natural resources are protected and the development fits into the character of Kent. Mr. Johnson asked if Town was to go to minimum lot size, the Commission would spend the time laying out the areas before a subdivision is even proposed. Ms. Hayes commented that currently, Class I soils had a minimum lot size of one acre, Class II soils, two acres and Class III soils 5 acres. But with the reclassification of the soil codes, there is a possibility that what was once a Class I soil will become a Class II soil. Mr. Winter said that if the Town went to density based zoning, what Mr. Johnson explained would be the fairest way to determine the densities to be used. He continued that it would be done with each new subdivision instead of each existing lot. Mr. Chalder said that he would like to be able to determine how many houses can be built in a proposed subdivision, but let the developer put them wherever he wants in an attempt to protect any agricultural soils that might be located within the parcel. With today's technologies, Mr. Chalder believes that any good engineer could figure out how to put in the proper septic systems within predetermined parameters. Mr. Chalder told the Commission that right now, the regulations state that the location of the septic will determine the type of soils. He recommended that the Commission change that part of the regulations which would provide the best of both worlds. Mr. Clark said that he believes that the Commission should try to preserve the farmland soils one way and provide density based zoning some other way.

Ms. Hicks said that she understands that this is a very complicated and expensive procedure, but at the end of the day, something was accomplished that was very constructive from a conservation view point. Washington does not have horizonline regulations, but if they did it would have made a large impact on the final plan for this particular piece of property. She asked if the process did not accomplish what was required. Mr. Winter commented that there were 20 acres that had some value for someone and that it would be unfair, from his perspective, to switch from a soil based type of zoning process to a minimum lot size without doing some research to find out how that will affect the Town's property owners. Mr. Chalder said that if the soil types are going to be re-categorized, some property owners might be affected. There cannot be a totally neutral system. Mr. Winter stated that by merely changing the nomenclature shouldn't affect the current classifications too much. Mr. De Paul said that all that was being done was to change the nomenclature, the maps will not change. Mr. Spelbos said that was not true, the soil maps will change. Mr. Chalder said that it will reflect better knowledge and technology. He continued by stating that Mr. Clark was correct when he told the Commission that the soil types were not originally created for this use. Mr. Clark said that since the maps were created, the land was farmed, the land was graded and doing this changes the characteristics of the soils.

Mr. Johnson asked the Commission to turn to page 44 of the new regulations. He asked if the two options that refer to soil based zoning would require the same process that Washington requires. Mr. Chalder said that he did not want the Commission to think that he is suggesting that the Town of Kent adopt the same system. Mr. Chalder said that there is a way to avoid it and that would be to complete the Town wide density based calculations that Washington was going to do. This way if an engineer like Mr. Clark was proposing a subdivision, he could call the office and asked what the split on the specific property would be. Mr. Johnson said he understood, but asked again whether or not the two options that refer to soil based zoning would require the same type of field work to determine the soils. Mr. Chalder replied that if the proposal is under the 40%, then you might not need to. Mr. Johnson asked if using the soil based minimum lot size, the decision would be based on the soil survey maps or will it still require the field research. Mr. Chalder said that an engineer like Mr. Clark would go out to the property, determine where the septic would go and test the soil. That test would determine the lot size. Mr. Johnson asked how that would work with a conservation subdivision. Mr. Chalder said that he would recommend a two step process: using the soil survey maps that are already prepared, the number of lots can be determined; the second step would be allowing the developer/engineer to place the houses wherever they want as long as the development meets the health code. To clarify, Mr. Johnson said that the number of lots can be determined without all the site work that is being done in Washington. Mr. Chalder replied that the engineer would still need to do the septic testing. Mr. Johnson said that information would not be used to determine the number of lots. Ms. Hayes replied that they would still need to send a soil scientist to the property to determine

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the type of soils and used the subdivision on Treasure Hill as an example. She continued by stating that she did not think Kent's process needs to be as intense as Washington's. Mr. Chalder agreed. Mr. Johnson said that in trying to calculate the number of lots, it couldn't be done just using the soil maps. Mr. Chalder said it could be done but you would have to keep a running tally on any splits that were done on a specific piece of property beginning with a specific date. Mr. Johnson asked who made the initial determination on the property to begin with and wondered if the soil maps could be used. Mr. Chalder said that they could. He continued by stating that the Commission would be using the maps to determine the initial number of lots, but if the property owner splits the property in such a way that they could not get the property to perc, it would not be the responsibility of the Commission because the Commission had already explained how the property could be split.

Mr. Chalder said that the challenge now becomes how to write the regulation. Mr. Johnson asked if the soil survey maps were correct. Mr. Winter said that he believes that the applicant would be doing all the research, not the Commission or the Land Use Administrator. Mr. Johnson replied that he is assuming that the soil scientist would still have to do the research. Mr. Chalder said that the Land Use Administrator could look at the plan and advise the applicant to contact a soil scientist.

Mr. Chalder said that, after this conversation, he believes that the Commission is looking to do something simpler. Ms. Hayes asked if it would be possible to apply the regulation to only large subdivisions and not to the "one off splits" given to a family member. She continued by telling the Commission that she has only been seeing family splits and used the lot line revision that was on the previous month's agenda as an example. Ms. Hayes asked Mr. Chalder if there was some sort of threshold that could be added to the regulation. Mr. Winter said that he would like to see a simple solution that is applied across the board. He continued that he really likes the proposal that Mr. Spelbos had presented to the Commission approximately a year ago. He said that it was very well thought out, very simple and recommended that the Commission review it. Mr. Spelbos said that his proposal does not include the density factor and that it is an important addition because it gives you the flexibility of placing the structures on the lots.

Mr. Johnson thanked Mr. Clark for coming to speak with the Commission and asked if they had any additional questions for him. Ms. Casey asked him what he sees in terms of the trend of so called "development". Mr. Clark replied "none". Mr. De Paul said that this is the best time to do the planning. Ms. Casey said that she understands that, but is wondering if the Commission is making this a larger problem than it has to be. Ms. Hayes asked Mr. Clark if he was mostly seeing one lot divisions. Mr. Clark said that he is seeing very small development and mostly one offs. Mr. De Paul said that the Commission is planning for the community for the future and that development runs in a cyclical way and because it does not look like it will be happening soon, now is the time to do their homework. Ms. Casey said that she does not disagree but asked what is left to develop. Mr. Clark replied that there is no choice property left now. He continued that he likes cluster developments and every time he has had an opportunity to do one, he is told that there is no market for it. Mr. Clark also said that the good land is usually not right next to the road so there is are usually more costs because of the need for longer roadways. He continued that conservation developments are a good way to go. Mr. De Paul stated that the aging population of Kent indicates that some of the large land owners will not be around much longer and their land will change hands. While they might not develop the land right now, it could and probably would happen within 10 years.

Mr. Johnson asked the Commission again if there were any questions for Mr. Clark. Mr. Clark replied that besides coming to speak with the Commission regarding density based zoning, he wanted to also speak with them about the property along Maple Street Extension. With the installation of the sewer line completed, the Sewer Commission is now developing benefit assessments. He continued that part of the process is understanding what the development capacity would be for pieces of property along the road and most specifically the Braden property on the rural side of Maple Street Extension. Mr. Clark said that piece of property has topographic

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challenges but there are a few areas close to the road that could be developed. He continued that while the requirements of meeting septic and well installations have been taken away with the sewer extension, there would still be the front yard setback which is dictated by the requirement under the Rural District. Mr. Clark said that it might be appropriate for the setback to be similar to the average setback in the area. He explained that the laws for the benefit assessments dictate that you can only assess what is already there and not for what can be there in the future. Mr. Clark said that his main purpose for speaking with the Commission is to ask them to consider all this information when they address the change of zone in that area. Mr. Winter asked what the capacity of the sewer of the line would be so that they can consider that when they discuss the change. Mr. Clark said that it would be very difficult to overtax an 8" sewer line which would carry 1,000 gallons per day unless it involved a big area. Mr. Winter asked about the treatment plant and Mr. Clark said that the treatment plant would reach capacity before you reach the capacity of the sewer line. Currently, the average daily flow is 80,000 gallons and the total capacity is permitted at 144,000 gallons per day. Mr. De Paul asked if it was true that once the plant reaches 85% of the capacity, they have to issue a moratorium. Mr. Clark said that it was not necessarily true but the Sewer Commission would have to put together a plan on how you handle the additional flows beyond the capacity.

Mr. Chalder asked how much land could be developed on the uphill side of Maple Street Extension. Mr. Clark presented an asbuilt for the sewer line. Mr. Chalder continued that the zone options would be Village Center Residential 1 or 2 or Affordable Housing, which could stay in the rural zone but permitted via a special permit. Mr. Manes stated that the Commission should be looking at the rural side of the street for commercial development. Mr. Clark said that his opinion was that you could get office space on that side of the road but with all the available office space currently in the Town, it would never be realized. Mr. Manes said that he did not think anyone would build the office unless there was an established need. Mr. Clark pointed out that the Braden parcel was mostly steep and could not be accessed from Maple Street Extension, but there are a few small islands of property right along the road that could be developed. Mr. De Paul expressed concern with having residential and industrial so close together. Mr. Clark said that nothing had to be done to the zone classification if the Commission determined that they would want the area to remain rural and just classify the lots as Class I soils. Ms. Hayes said that 40' front yard setback would still have to be adhered to. Mr. Clark said that the development does not have to be subsidized Affordable Housing, but affordable for those who want to live in Kent. Mr. Manes said that now that the sewer line is in, the industrial zone has obtained a whole different value.

Mr. Johnson asked if Mr. Clark has a specific recommendation. He replied that based on the attorney's determination, the property cannot be assessed for its future potential value regardless of how it is zoned. There would be a supplemental assessment if and when it ever gets developed and is a change to the zoning is not something the Sewer Commission needs right away. The other lots will be assessed based on the current uses and will probably be tied into the current assessment by the Tax Assessor. Just for informational purposes, Ms. Hayes let the Commission know that there will be a public hearing at the February meeting for Phase II of Stewart Farms.

The Commission thanked Mr. Clark for his time. He told the Commission that he would send a PDF file on the Washington subdivision so that the Commission and Mr. Chalder can review the charts that were created and used to make the final determination on the number of lots to be created.

Mr. Chalder said that the next step in the rewrite process would be to have a public informational meeting to get feedback from the residents. He would prepare a Power Point presentation explaining the changes. Ms. Hayes said that she has had people come in and ask what is happening with the changes because they are beginning their estate planning.

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Mr. De Paul asked if the end of February would be the timing for a public informational meeting. Mr. Chalder agreed. After that meeting, the Commission could debrief at the March meeting.

*Mr. Winter moved to schedule a public information meeting on February 26, 2015.*

Ms. Hayes asked if the Commission wanted to schedule the meeting for 6 or 7 p.m. She then said that she would get the newest version of the regulations to the Town Clerk so that they can be put up on the website. Ms. Hayes continued that she will work with First Selectman Adams about adding it to his monthly newsletter. After discussion it was determined that not enough of the Commissioners could attend the meeting on the 26<sup>th</sup> so the meeting was moved to the 19<sup>th</sup>. Ms. Hayes clarified that she will do a special meeting agenda for February 19<sup>th</sup> at 7:00 p.m. and a special meeting at 6:00 p.m. on March 26<sup>th</sup>.

Ms. Hayes told the Commission that the last time they met, they discussed farm worker housing. Since that time she did some research about putting together a moratorium on trailer use and Mr. Chalder put together a new regulation and an amendment to Section 21.4. Mr. Chalder's proposal was presented to the Commission at the beginning of the meeting. Ms. Hayes continued that doing a moratorium would actually take longer than actually having a public hearing for a change to the regulations. Mr. De Paul said that he likes the proposals that Mr. Chalder has presented. Ms. Hayes said that she was not sure the timing for a new regulation would work for the Kent Land Trust Farm. She also asked Mr. Johnson if he wanted to read the letter from Mr. William Arnold, President of the Kent Land Trust. Mr. Johnson said that the letter thanks the Commission for taking this change into consideration. Ms. Hayes said that Mr. Arnold did stop by her office earlier that day and said that the Land Trust was still not sure this was the right direction for the farm and would think about it some more. Mr. De Paul said that this change to the regulation applies to more than just the Kent Land Trust farm.

Mr. Chalder said that the actual change could be placed on the Commission's March agenda and become effective in April. Mr. Winter asked if definitions need to be changed. Ms. Hayes and Mr. Chalder said that it would not be necessary because it is a use. Mr. Chalder said that there might be a problem with the Health District. Mr. Manes said that approval was given by the Health District. Ms. Hayes said that the Kent Land Trust does not have the approval that was necessary and Ms. Weber did have a conversation with Ms. Connie Manes from the Land Trust about this possibility. Mr. Chalder said that the temporary housing does not only address trailers which means that tents/yrurts could be installed. Ms. Hayes said that there might be an issue with the setbacks. Mr. Johnson asked if another section should be added about the Commission being able to modify the setbacks for temporary structures. Mr. Chalder said that he would add that language to the regulation. Mr. Manes said that under special permits, the Commission can modify the setbacks. Ms. Hayes and Mr. Johnson disagreed and said that only conditions can be applied. Ms. Hayes also said that she wants to make sure that the change to the setback does not supercede any other regulations especially since the Land Trust farm is located mostly in the floodplain.

Ms. Hayes asked if a special permit can be renewed on an annual basis and if that annual renewal had to be filed on the land records. Mr. Chalder said that the renewals do not need to be filed on the land records, just the special permit. Mr. Manes asked if there would be a charge for each annual renewal and Mr. Chalder said that the first special permit and first filing on the land records would have a permit fee, but that the annual renewals would not. Mr. Chalder suggested that Ms. Hayes contact Attorney Zizka to make sure there are no legal ramifications. Mr. Johnson said that he would like to be able to apply conditions on a yearly basis, if needed. Mr. Manes suggested that a new special permit be applied for on a yearly basis without fee. Ms. Hayes said that could not be done because of the ordinance.

Mr. Chalder said that he agrees with Mr. Johnson and suggested that one of the conditions be that the applicant appear every year before the Commission for renewal and if there are any changes to the conditions, a new special

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TOWN OF KENT PLANNING AND ZONING COMMISSION  
SPECIAL MEETING MINUTES FOR JANUARY 22, 2015

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permit would be filed on the land records. Ms. Hayes said that there would be two fees: \$260 for the special permit; \$53 for the filing on the land records. Mr. Manes said that would be a financial hardship. Mr. Chalder said that he would like to see the fee for the special permit paid on a one-time basis, but if new conditions apply, then the applicant would be liable for the filing fees. He continued that this would be an incentive for those farms that have been approved for temporary housing to remain in compliance with the regulation and the conditions of the special permit.

Ms. Casey asked Ms. Hayes if any of the other farmers had approached her regarding farm worker housing. Ms. Hayes said no. There was a member of the audience who might have been interested in this conversation, but Ms. Hayes said that she did not think it would apply directly to them. Mr. De Paul said that there are other farmers in the area that might consider farming if farm worker housing was available. Mr. Chalder reminded the Commission that even though someone applies for temporary farm worker housing does not mean that it will be granted.

Mr. Chalder said that he will work on the new wording and asked Ms. Hayes to run the new wording past Attorney Zizka especially the wording regarding the setbacks for a temporary structure. Ms. Hayes said that she did not think that a temporary structure would be required to meet the setbacks. Mr. Manes said that even though it is a temporary structure, it will be in place for 7 months at a time and that is more than temporary.

## **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. Manes moved to adjourn at 8:30 p.m. Mr. Winter seconded and the motion carried unanimously.*

Respectfully submitted

  
Donna M. Hayes, CZEO  
Land Use Administrator

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### **TOWN OF KENT PLANNING AND ZONING COMMISSION SPECIAL MEETING MINUTES FOR JANUARY 22, 2015**

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