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**TOWN OF KENT
PLANNING AND ZONING COMMISSION**

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JULY 10, 2017 SPECIAL MEETING MINUTES

The Town of Kent Planning and Zoning Commission held a special meeting on Monday, July 10, 2017 at 6:30 p.m. in the Kent Town Hall.

1. CALL TO ORDER

Mr. Johnson called the meeting to order at 6:35 p.m.

2. ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED

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

Staff Present: Donna Hayes, Land Use Administrator

Mr. Johnson elevated Ms. McAndrew to voting status.

3. OLD BUSINESS:

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

No action taken.

3.B. DISCUSSION AND POSSIBLE DECISION

3.B.1. Proposed Signage Regulation

Mr. Johnson told the Commission that these regulations were originally written by Attorney Zizka for North Stonington and that Ms. Hayes had started tweaking them to fit the sign regulations that Mr. Chalder wrote. Mr. Manes asked what the major changes were and Ms. Hayes said there were a couple: the format for one and in some cases they were a little more permissive and used internally lit signs as an example.

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Mr. Winter suggested that the Commission review this draft and Mr. Johnson agreed. Ms. Hayes said that she would like to include the charts that were created by Attorney Zizka and asked the Commission to make the decision on the quantities that would populate the chart. Mr. Manes asked about how these regulations work with the Alternative Signage program. Ms. Hayes said that the Alternative Signage program will have to be added to this draft. Ms. Hicks asked how the size of the building affects the size of the sign and Ms. Hayes said that a wall sign is determined by the linear feet of the building, but freestanding signs have a set size. Mr. Johnson said that he is fine with keeping it and that without the alternative signage program, the business directory would not be allowed.

With regard to the sign illumination, Mr. Winter said that right now signs are only allowed to be lit from an external source. Ms. Hicks asked why we have them now even though they are not allowed. Mr. Johnson replied that a couple of years ago, the Commission decided to put a moratorium on enforcing the sign regulation due to the fact that the new regulations were being written. Mr. Manes said that he did not think they were necessary in a small town like Kent. Mr. Wyrick agreed, but said that the only signs that are internally illuminated are ones that say "open" or "closed". Mr. Winter asked about illuminated signs that are inside a building. Mr. Johnson said that if they are visible from the street, they were not allowed. Ms. McAndrew asked if Kent Liquors had a sign over his beer cooler in the back of the store but it could still be seen through the window, it would be illegal. Mr. Winter and Ms. McAndrew both said that they would not consider that to be a sign, but would consider the lighted corona sign in the window an illegal sign. Mr. Manes commented that we regulate by complaint and Mr. Johnson said that there is a discretionary element to enforcement but it cannot be arbitrary.

Mr. Johnson asked what the Commission thought about internally illuminated "open" signs. Ms. McAndrew said that they are all obtrusive. Mr. Manes said that a decision has to be made because he did not think it would be possible to regulate the size or its use. Ms. Hayes said that if they are allowed, the regulation has to be very specific. Mr. Johnson asked if any illuminated signs should be allowed. Ms. Hicks and Ms. Casey said no. Mr. Johnson said that no further discussion was needed.

Mr. Winter asked if a timeframe can be added and Ms. Hayes said that it is listed under section B under "sign illumination".

Mr. Johnson said that the section should be changed to: "Sign Illumination: Signs may be illuminated externally provided they comply with the outdoor illumination standards in Section XX-XX and the limitations set forth below." "A. Signs may not have flashing or intermittent lights, lighting of varying intensity, or exposed neon lights."

With regard to page 2, Ms. Hayes questioned if B. under "Signs Allowed Without a Permit" is really required as the Town never regulated them before. Mr. Johnson asked that the spacing be verified. Mr. Johnson asked if any of the Commissioners thought that the section should be removed. Ms. Hicks said that this implies safety.

Mr. Johnson asked the Commission if they thought that 16 square feet was a good size for a bulletin board. The Commission had no comment, so it will remain.

Mr. Johnson asked the Commission if they thought 90 days was too long for the display of a temporary sign. Both Mr. Johnson and Ms. Hayes thought that was too long and asked that it be changed to 45 days.

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Mr. Manes asked what a temporary sign could be. Ms. Hayes said that she would consider the wire signs along 341 advertising the sale of Christmas trees, temporary signs. Ms. Hayes asked if the word "business" should be added in between "temporary" and "signs". She then commented that she felt the Commission was thinking about this too hard because this section was written for signs allowed without a permit.

With regard to Section J, Ms. Hayes suggested that the section read as follows: "Temporary banners used in connection with charitable or civic events may be installed up to 30 days before the beginning of the event and must be removed with 3 days following the termination of the event." The rest of the section will remain.

Ms. Hayes asked the Commission if they wanted to allow flags of the State and/or other nations. She read the existing regulation and also asked if the Commission wanted to substitute the existing regulation. It was decided that it remain. Ms. McAndrew asked if any nation can display their flag. Mr. Johnson said that it cannot be discriminatory; if you allow one you have to allow all. Ms. Hayes said that the new regulation that Mr. Chalder wrote did not single out any nation. Mr. Johnson said that you can replace it with the Town's current regulation. Mr. Johnson asked if "per premises" should be changed to "per lot". Mr. Wyrick said that it should remain "per premises" because there are properties with more than one premises on one lot. Ms. Hayes commented that the section says "no more than 1 flag pole" not "no more than 1 flag". Mr. Wyrick said that Mr. Casey would be in violation. It was decided to leave it as it is. Ms. Hicks referred the Commission to the regulation written by Mr. Chalder. Ms. Hayes noted that the when Mr. Chalder wrote the regulation, he did leave out the word "flag" and she said that she thought she remembered having a conversation about it. Mr. Johnson said that he felt it would be a good idea to leave it in and Ms. Hicks agreed. Ms. Hayes reminded the Commission that this section refers to flags that require no permit. She did say that the flag pole itself would be considered a structure and would require a zoning permit, but what gets hung on it is not a concern of the Commission. If the neighbor finds the flag offensive, it would become a civil case between the two and not a concern of the Commission. Mr. Manes said that he likes the regulation.

With regard to L on page 3, Mr. Manes said that most signage on nature preserves is quite large. It was asked why they don't have to abide by the size requirement. Ms. Hayes asked how would she regulate something when it is not a requirement for them to come in. Mr. Winter disagreed and said that there should be some sort of guidance and order of semblance within the regulations. Ms. Hayes agreed but asked how to do that when there is no requirement for them to come before her or the Commission. She continued that she was not able to find a size requirement in the new regulations. In the current regulation, the maximum size is 18 sq ft.

With regard to Signs Requiring a Zoning Permit, Ms. Hayes asked why a permit is required under B. She suggested that this section be moved to section above as item M. Mr. Johnson and Mr. Manes agreed.

Ms. Hayes asked if 2 freestanding or banner signs as indicated in section C was too many. Mr. Manes said that he feels 1 would be sufficient. Mr. Winter asked about the Town Center and Mr. Johnson said that he was okay with 2 but that the square footage should not exceed 24 square feet. It was decided that "in Residential districts and 48 square feet in other districts" should be deleted. Mr. Winter said he was okay with the 6' in height. Both Mr. Manes and Mr. Johnson said that 10 feet would be a better

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requirement since you would not want the sign to interfere with any site lines. This would apply to all districts. As a result, "and 10 feet in other districts" would be deleted.

With regard to section D, Mr. Manes asked if freestanding signs were the same as the sandwich boards. Mr. Winter said that they do not and explained why. Ms. McAndrew said that she had a question about the statement that all signs must be located at least 10' from any road. She felt that the signs are much closer than that. Both Mr. Winter and Mr. Johnson said they felt they were 10'.

Mr. Johnson said that the column regarding "internal illumination" will be deleted and Ms. Hayes will work on filling in the rest of the information. Footnotes 1, 2 and 3 will be tweaked by her and the word "gallery" will be changed to "exterior" in footnote 3.

Mr. Johnson asked if the Commission could back to footnote 2. Mr. Johnson asked if this was covered in the alternative signage program. Mr. Winter asked if there were other lots which contain two businesses and the answer yes. Mr. Johnson asked that the 200 square feet be reduced. It was decided that the first sentence be changed to read: "For developments with more than 1 principal business, 1 freestanding pole with one sign per business may be permitted as part of an overall sign package...". Mr. Winter asked if signage had to be approved by the ARB. The words "including supporting structures" shall be deleted. Mr. Manes said that the Gifford sign on Maple Street was at least 18 sq. ft. and the Commission felt that was too large. Information on our existing regulations will be inserted so that the Commission has a better feeling for the size limitation.

Section E, Ms. Hayes asked if the Commission wanted to allow painted window signs. Mr. Johnson and Mr. Winter said that they would be okay with it but would like to look at it further. Ms. Hayes said that she likes them and suggested that the percentage of window coverage needs to be discussed. Mr. Johnson asked that the ARB could decide the size of the window coverage. Ms. Hayes said that she did not think that the ARB was reviewing signs anymore and said that she would review their section. Mr. Johnson said that they could at least do the window signs.

With regard to sandwich signs, the Commission would like to include what was written by Mr. Chalder in the proposed regulations. Mr. Manes said that he does not see them as a distraction. Mr. Johnson agreed and finds them informative when he visits in another town that has them. Ms. Casey said that they don't get removed and they look shabby. Ms. Hayes said that she thought they were removed when the business was closed. Ms. Casey did not agree. In the draft, Mr. Johnson referred the Commission to page 110 which states that they are allowed only by special permit. Ms. Hicks asked what difference did it make if they are not taken in. Ms. Hayes said that they become a safety hazard and can be an obstruction to the snow plows. Mr. Manes said that more than one sandwich sign per business is too many. Ms. Hicks asked why the bakery sandwich sign was not in front of their bakery. Ms. Hayes replied that it was on the same lot. Ms. Hayes reminded the Commission that originally they were talking about allowing them through the Chamber on a lottery basis but the Chamber did not want to regulate them. The question came up as to whether or not they should be allowed via a special permit with conditions of approval. Ms. Hicks said that with this new regulation, every business could have a sandwich sign and said that it would just be clutter and questioned what the Commission was trying accomplish. She felt that it becomes a safety issue outside of the night time. Ms. Hayes said that it will be up to the specific business to make sure they are not interfering with the pedestrian right of way. The only problem she has had recently has been the Kent Farmer's Market sign. Mr. Johnson said that between the ARB referral

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and the special permit, he was comfortable with the regulation. Mr. Winter said that the business community seems to want to have them. Ms. Casey said that she sees them as clutter but understands the need for restaurants and ice cream shops to have them. Ms. Hicks asked if regulating them would slow down the amount of put up based on the cost and procedure to get a permit for them. Mr. Manes said that he thought so. Mr. Johnson asked if anyone else had a strong objection for them. Ms. Casey said that she did not want to harm any business but felt that it will be too many signs. Mr. Johnson asked for a show of hands with regard to how many thought they would be okay as long as they appeared before the ARB and got the proper permit. Ms. Hicks said that she would be okay with it as long as the regulating procedure is followed. Mr. Johnson asked if the Commission would be willing to regulate them via only the ARB and site plan approval. Mr. Manes said that there would be no way to condition their use. Ms. McAndrew asked if businesses with two sandwich boards needs two special permits. Ms. Hayes said that they would be combined and Mr. Manes said that there is no reason for a business to have two sandwich boards. Ms. Hayes said that once the new regulations were put in place, she will think about visiting the Chamber to explain the changes. Mr. Johnson asked if the Commission was okay with the proposal. Ms. Casey asked if the fee can be changed and Ms. Hayes said that the Commission would have to make the proposal at a Town Meeting. Ms. Hicks and Mr. Wyrick both said that it will definitely be a business decision.

Ms. Hayes asked about roof signs. It was decided that they be removed from Mr. Chalder's regulation.

3.B.2. Regulation Rewrite

No discussion.

5. ADJOURNMENT

Mr. Winter moved to adjourn at 8:40 p.m. Ms. Hicks seconded and the motion carried unanimously.

Respectfully submitted,



Donna M. Hayes, CZEO
Land Use Administrator

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