

# KENT

CONNECTICUT

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## TOWN CHARACTER STUDY & OPEN SPACE PLAN

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COUNCIL OF GOVERNMENTS

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# **TOWN CHARACTER STUDY and OPEN SPACE PLAN**

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## **Preface**

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This report contains two discrete sections which complement each other in that they both are concerned with maintaining and preserving the quality of the natural and cultural features and attributes of Kent. Each section has been primarily written by the author cited but every attempt has been made to integrate the ideas, recommendations and proposed actions.

The **Town Character Study** is an innovative exercise which describes the cultural conditions that have shaped Kent and then shows how this knowledge and point of view can help retain the rural character and historic identity of Kent in the face of persistent development pressures.

The **Open Space Plan** is a required component of town planning which periodically inventories and assesses the open space resources of a place and makes recommendations for their protection, use and future acquisitions.

Preparation of the Town Character Study and detailed Open Space Plan arose from a recommendation made in the 1989 Town Plan of Development Update. This plan recommended formation of a Town appointed Open Space Committee, charged with conducting a survey and mapping and analyzing the open space character and qualities of the Town to be followed by recommendations concerning protection of farmfields, scenic roads and views, and historic sites .

The Conservation and Inland Wetlands Commission has taken on the responsibility of the proposed Open Space Committee. In the summer of 1989 the Commission successfully requested Town funding to support the preparation of this Town Character Study / Open Space Plan. The consultants, Linda Cardini, Director of the Northwestern Connecticut Council of Government and Michael Everett, of Everett Clarke Holleran, Land Planners, were retained and work began in the fall of that year.

The report begins with the Town Character Study which is more broadly formulated and sets out to introduce relatively new ideas which center on the inventory and analysis of cultural elements within the Town and their relationship to landforms and other natural conditions. Its basic

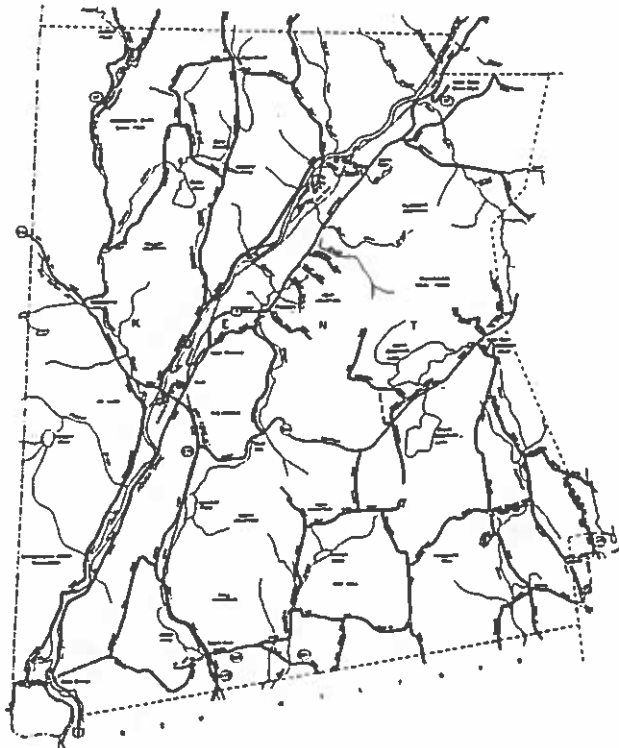
thesis centers on our need to more directly acknowledge the gradual evolution of each community and the physical evidence of many decisions made over time. These incremental changes have formed the Town we now experience and should influence its future.

The second portion, the Open Space Plan, draws on much of the Town Character data but also contains standard references to Federal, State and local actions and standards governing open space planning and provides guidelines for future open space acquisition and development.

The report contains recommendations which are mutually supportive and should be understood as presenting two perspectives on enhancing the landscape and channeling future development within Kent.

Six maps have been prepared to supplement the text. These should be consulted for a fuller understanding of the spatial distribution of amenities, natural constraints and cultural elements.

The report ends with a series of appendices which provide additional reference material and expand on selected aspects of the two report sections. The entire report has received valuable input from the Conservation Commission and been reviewed by both consultants.



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## **TOWN CHARACTER STUDY**

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**Michael Everett**

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### **Introduction**

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Rural town planning has traditionally been based on an identification of existing land uses, growth factors, and the economic, social and service needs of the community as projected into the near future. It has tended to impose universal or generalized values that stress regional and national similarities and submerge local differences. In recent decades this socio-economic and political methodology has been supplemented by an ecological sensitivity which links development to the carrying capacity of the land as determined by sophisticated mapping of several natural conditions. Cultural concerns have been acknowledged through historic inventory of individually meritorious buildings and the designation of historic districts.

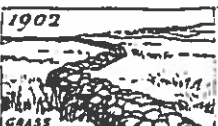
As the profile and aspirations of low density rural towns has changed there has been an increasing interest in retention of rural agrarian character and use of innovative controls which preserve the natural and selected cultural amenities of the locale. These regulations have, for the most part, been formulated within the context of the earlier socio-economic planning process which relies on low density spatial distribution augmented by aquifer, wetland and habitat protection mechanisms. This approach has merit but can be limited, especially where cultural values are considered.

First, regulations which are added on top of existing zoning and subdivision rules introduce complexities that are hard to administer and prone to multiple interpretations. Often a great deal of energy is expended arguing over the new technique and less on the overall goals of the specific town.

Second, new sophisticated ordinances are, often as not, borrowed from other places, then adapted and implemented. There may be a blurring of intentions in the translation and resulting misunderstandings as to process as well as possible legal complications.

Third, in spite of the best intentions, this is a "band aid" approach which does not begin with a clear delineation of existing and preferred Town Character. Nor is it enough to react in isolation to new building types, configurations and densities. These possible future pattern determiners must be comprehensively assessed in the context of prevailing land uses and the visual image of the community.

Defining town character requires greater awareness of the patterns of land use laid down on the land over several centuries since its first settlement and knowledge of what elements of this patterning still persevere. Then it is necessary to express a willingness to acknowledge and incorporate persistent land use characteristics. It is not enough to want to preserve ruralness as a vague ideal which is often seen cynically as an exclusionary mechanism for slowing exurban development. The past must be deferred to where its features are still readily recognized and where modern land use demands can be integrated with these older elements.



Some examples. The rural agrarian pattern so eloquently depicted by Eric Sloane was one of tillage and pastures wherever possible. The land was open with woods only retained where more productive uses were excluded. As farming failed the woods slowly encroached as fields were abandoned. The landscape of today is the result of many decades of reduced farming. The dominance of the woods has come about during the latter half of the twentieth century. Thus the rural imagery appreciated today has at least two components: the walls and lanes defining old fields and the new growth woods. The latter provides an absorptive condition which masks increased density - thus contributing to the delusion that gradual growth and suburban land uses are not radically changing the image of the town.

Eric Sloane ( *Our Vanishing Landscape*, p.27 with additional sketch)

If one looks at remaining open fields it is easy to see that they are relatively flat, very accessible and easy to develop. These lands are probably still open because they have the best agricultural soils. If farming is no longer valid then these lands become preferred for development. If one accepts the likelihood that at least some of these fields will be developed then it is easy to see that the character of the town will be directly affected by the placement, size, density and appointment of these new dwellings. If one begins from a Town Character perspective it is possible to define rules for the placement of new structures which defer to the past by retaining old walls, laneways and as much of the fields as possible while placing development where it will be least intrusive to the rural scene.

Town Character analysis includes a spatial inventory of the prevailing patterns of land use using a combined physical and visual basis; an awareness of the physiographic interrelationship of development and the land; and identification of those areas throughout the town which exemplify the particular cultural profile of the place.



This Town Character study is broadbrush and should be seen as initiating a process which should, over time, become more precise. The study builds on the experience of the same consultant having mapped and assessed essentially the same cultural land use categories fifteen years ago.

### **Field Work and Maps**

A cultural land use reconnaissance of Kent was undertaken in 1975 as part of a nine town, regional field service survey of northwestern Connecticut. That study included data and/or individual maps concerned with **Containment, Scenic Quality, Ambience, and Cultural Edge**. These same concerns are once again addressed within this report. This time **Containment, Scenic Quality and Ambience** are integrated on one map with a more extensive text; Cultural Edge has become **Land Patterns** and a summation **Town Character** map has been added. The new maps are to the same scale and use the same USGS base to facilitate comparison between 1975 and 1990 observations and data.

The up-dated cultural maps are based on new field work carried out by this consultant. The observations are conditioned by some twenty years of cultural inventory of many rural New England towns, extensive academic work on the subject and twenty five years as a landholder in Kent.

Observations made in 1975 and in 1989-90 do not show a remarkable change; the town has not been "ruined". There are, however, many incremental changes brought about by the slow influx of new-comers and larger scaled developments:

First, the townspeople seem more willing to actively engage in planning for the future.

Second, there is a sense that the balance between older land uses and newer ones is about to change. There is basis in fact for this belief: multi-family development: Brookwoods, the condominiums adjacent to the IGA, another development, Kent Ridge, about to be built and the new town center development. Each of these introduces a larger scale of all-at-once building and also introduce new siting configurations. These trends are those of suburbia, albeit, adjusted to a more rural setting.

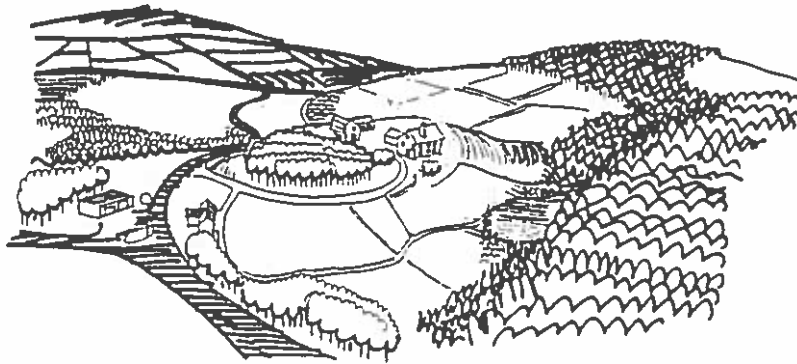
Third, the population profile of the Town has shifted as real estate values and taxes have increased. There is every reason to believe that these increases can drive random change which can transform the character of any corner of the Town.

### **Importance of Cultural Factors**

Why cultural data? The land contains many characteristics and man has

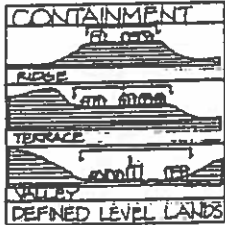
assigned various values to individual attributes. First, the bundle of factors bound up in the land can be broken into two basic categories useful in planning: natural and cultural. The former consists of individual map types within four broader groups: physiographic features (topography, orientation, slope), geologic (bedrock, surficial and soils), hydrology (surface and groundwater, aquifers, floodplains, wetlands, watersheds), and flora & fauna (vegetation, habitats). These typologies are considered as standard, objective map types with recognized measurements and interpretations. Cultural factors are less fixed and more subjective as befits social values when compared with natural science values. Cultural factors include political (boundaries and jurisdictions, infrastructure, projected needs), historical (settlement growth, sites and buildings, land changes), anthropological (containment, land patterns), visual (scenic quality, ambience).

This study has isolated key cultural factors whose analysis can contribute to an initial reading of Kent's town character.

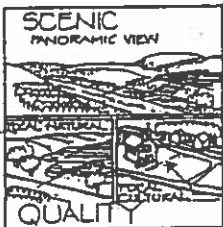


## Containment, Scenic Quality and Ambience

These three indices of an area provide an indication of where and why settlement occurs where it does, the correlation of physiographic conditions and culturally scenic features, and the relative zone of influence of village or town centers within the overall town.



Containment is a concept adopted from anthropology which posits that settlement nodes occur in well defined, nearly flat areas of three types: valley, plateau and ridge. In Kent containment is represented by the line of small villages of the Housatonic with lesser hamlets - East Kent, and Kent Hollow - found in upland areas .



Scenic quality refers to areas where the topographic conditions and uses of the land provide focal or panoramic areas of scenic appeal. These areas are conditioned by how the viewer (usually from local roads) views the lay of the land. This is registered in terms of the fore, middle and distant ground.

Ambience can be defined by the aura or zone of influence that emanates from an individual building, cluster of buildings, outstanding natural feature, village or town. The urban sense of ambience defines the apparent limits of the locus of a place.

### Explanation of Map

This map indicates those areas of containment as mapped in 1975 with certain minor adjustments. Rather than isolate the three sub-types - valley, plateau and ridge - all three have been indicated as areas prone to development by virtue of their relatively flat and defined areas.





Selected zones of particular identity and imagery have been isolated to illustrate the concept of ambience. Reference is made to the Town Character map which expands on this concept

Selected scenic vistas isolate those views felt to be of greatest interest based on the 1989-90 field work. This data can be complemented by the 1975 Scenic Quality map which also indicates view corridors have not changed. Also shown are roads of sufficient scenic interest to warrant their protection as scenic roads or historic roads.



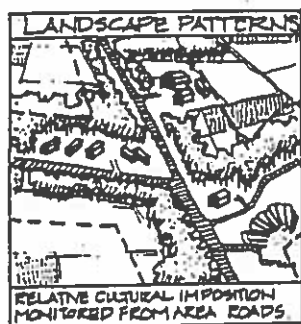


# KENT//CONTAINMENT / SCENIC QUALITY / AMBIENCE

-  COMBINED VALLEY, PLATEAU, & RIDGE AREAS PRONE TO DEVELOPMENT
-  AMBIENT ZONES (SEE TOWN CHARACTER MAP)
-  SELECTED SCENIC VISTAS
-  SCENIC ROADS

## Landscape Patterns

This has proven to be the most useful and revealing map in our analysis of many southern New England towns. The process is to drive all of the roads of the subject town and record all land uses visible from the road. The premise is that almost all built development is located within a thousand feet of the road. Thus a corridor of development parallels all roads. The pattern of use is then recorded.



Each town has a normative condition which is based on a broad interpretation of the normal pattern of land uses experienced while observing the Town from its roads. Deviations are registered for uses which are different from the norm or which detract from or degrade the norm. The essential idea is based on the rhythm of usage. As one drives any isolated change is not considered significant; it is only when two or more examples of the change occur that a different pattern is recognized.

For example, the normal pattern of land uses observed from Kent roads is of isolated houses relatively close to but buffered from the road with intervals of woods and fields. This imagery does not seem suburban until the frequency of houses increases, the house form changes, and more equal spacing becomes evident. Examples of detraction from the norm include disturbed land, unkept yards, and derelict buildings. Above average examples are those exceptionally sited and appointed properties which serve as landmarks. Kent has few degraded areas and many exceptional areas.

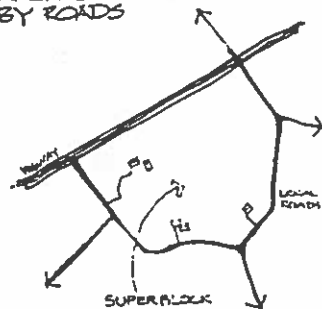
## Landscape Pattern Categories

This map type also graphically indicates the spacing of road and the size of the "superblocks" defined by the roads. By a "superblock" is meant the land within an area bounded by Town roads and the development that borders them.

### Rural Superblock

When roads are close together and the superblocks are therefore thinner and/or smaller the tendency is for a suburban pattern to become evident. This is conditioned by the size of the lots, topographic changes and vegetative cover of the land. Rolling, heavily wooded land can absorb more buildings without the appearance of suburbia. The size of the superblock, its configuration and the relative build-up of its edge conditions the accessibility of the interior land contained. This land is

**SUPERBLOCK:**  
AREA ENCLOSED  
BY ROADS



de facto preserved open space until it is economically and procedurally possible to develop it.

In Kent there are sections of town with large superblocks, and other areas of small superblocks. The result is a variable pattern of edge to interior conditions which are controlled mainly by topography, degree of slope and the location of extensive public lands. The retention, to date, of large open fields and spectacular views gives the town a rural appearance out of proportion to the trends in development which are eroding its actual ruralness. The topography, wooded buffers and open field pattern of the sloping edge of these critical superblocks renders these areas very vulnerable to change. If several of these areas become developed in conventional large tracts then the character of the town will quickly change.

Analysis of the pattern of local historic development suggests that by a better understanding of how the land was used over many generations we can more skillfully integrate new land uses and demands within an established context. If we recognize the spatial and siting characteristics of traditional land use within the Town we can define parameters that allow for new uses but do so while deferring to established development patterns. Focus on existing patterns of land use and siting recognizes the dynamic between older settlement configurations and new development trends. It grants standing to prevailing, established land use patterns as a basis for setting culturally based development requirements for new development and any transformation of an established landscape.

Pattern recognition provides a key means of anticipating those conditions which need to be protected and serves as the basis for recommended changes in local planning. Recognition of building-to-wall-to-field conditions, of field size, degree of slope and area of prospect all contribute to an accurate picture of Town conditions. There emerges a sense of relative vulnerability which can be met by negotiating protection of key parcels and limiting potential development on critical parcels throughout the town. Planning rules need to be based on a locally explicit set of identified preferred land uses, critical visual corridors and identification of key locations throughout the town.

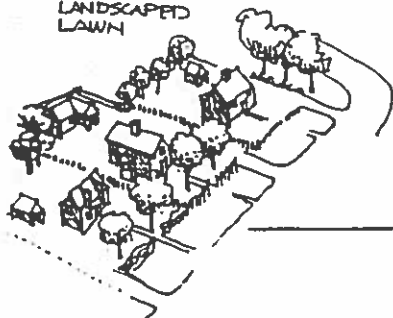
Four categories of cultural land patterns can be isolated:

- Historic Patterns
- Transitional Patterns
- Open Space Patterns
- Projected Patterns

The characteristics of each of these can be described as follows:

**VILLAGE BUILDINGS**

- AMPLE, DEEP LOTS
- WELL SET BACK
- LARGE TREES
- FENCE, HEDGE OR LANDSCAPED LAWN

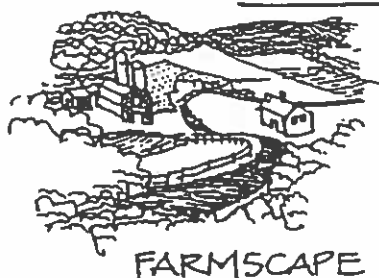


• **Historic Patterns:** There remains a definite recurring relationship of buildings-to-fields-to-topographic position that endures from the Town's early history. Although these conditions have been reduced and modified their basic qualities survive. These include:

**A. Village houses:** Well built houses on large lots but with a definite town orientation to the road and to adjacent structures. Fences and other edge defining elements provide a discernable rhythm which has become complemented by large street trees.

**Village Building to Road Relationship**

**B. Farms and farm remnants:** Those house, barn and outbuilding complexes and associated fields and woods which give the Town much of its rural, historic character. These are found predominantly in smaller valleys and on upland ridges.

**Farmscape**

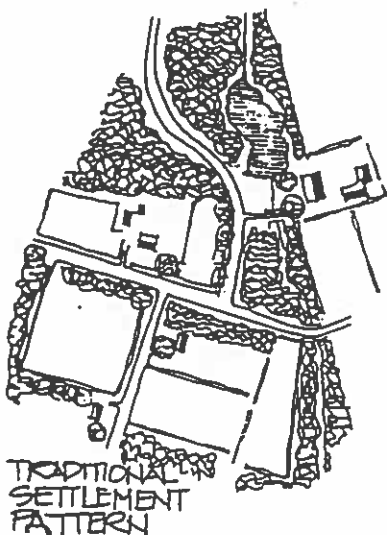
**C. Isolated houses:** Houses similar to those in the villages but found along roads at random intervals. These are often at intersections of old roads or prime homestead sites; each normally has an ample setting with mature vegetation.

• **Transition Patterns:** some buildings constructed around the end of the last century and all residential structures of the first half of this century emulate the architectural characteristics of older buildings but often are sited differently. These sites are not associated with agrarian enterprises and usually are housing for year-round or seasonal use by people whose employment is off-site. Included as sub-sets are the several camp complexes located adjacent to lakes and streams, the private schools, and commercial structures that pre-date the 1950's.

• **Open Space Patterns:** There are four sub-types of open space found in Kent:

**A. Farmscape:** The original organization of the Town was set by the agricultural activities of the first century or so of settlement. All available tillable or pasture lands were defined by walls or fences, and the woods were reduced to unusable or inaccessible sites. Roads linked this small-scale utilitarian pattern. In many places this pattern is still evident.

**B. General rural pattern:** A more diffuse and general pattern comes from a combination of areas long-removed from any active farm activity, marked by extensive second growth woods and the gradual building of individual houses on large lots of lawn and woods.

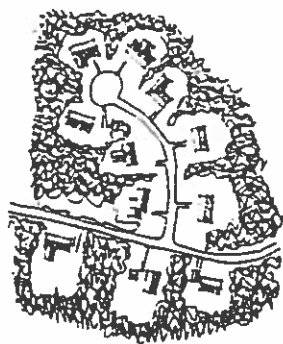
**General Rural Pattern**



**C. Recreational areas:** Extensive tracts of land have been set aside for trails, streambelt buffers, historic sites, land preserves or recreational open space. These areas serve to buffer other uses and add to the general wooded, rural quality of Kent.

**D. Fallow land:** Kent has a tidy appearance; little of the Town has an unkempt or disturbed condition. But, much of the area is wooded and can be considered under-used land. Some of this land is treated as managed wood lots; and it all serves as habitat to birds and mammals. Its relative low usage makes it vulnerable to speculation and development.

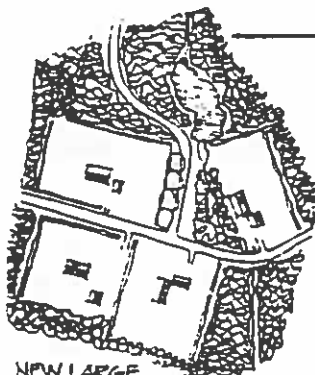
• **Projected Patterns:** This typology falls into two related but very different subsets: Suburban oriented housing built in accordance with nationally based norms and as-of-right planning; and growth managed, ecologically based and historically sensitive siting. In each case the pattern is dictated by planning objectives which began as very permissive general rules which have increasingly become more defined as rules have been established to protect environmental, economic and, more recently, cultural values throughout the Town. The sub-types can be described as follows:



SUBURBAN  
CLEARINGS  
IN THE WOODS

**A. Suburban orientation:** These houses are sited in accordance with large lot, setback and height restrictions which tend to encourage a consistent road edge or cul de sac pattern of land use. These configurations plus tract housing images introduces the first entirely new pattern.

#### Suburban Pattern



NEW LARGE  
HOUSES IN THE  
MIDDLE OF EACH  
FIELD

**B. Performance Standards Development - Residential:** Increased requirements have encouraged larger scaled development which must meet more involved environmentally and spatially based regulations. Multi-unit (so called "condo") and larger tracts exemplify this sub-type.

**C. Culturally-based Development:** The regulations which may arise from this study include even more stringent environmental controls but will also, optionally, include criteria which reflects a heightened deference to the existing historic spatial and built-form pattern of the Town. This approach is underscored by this study.

**D. Performance Standards Development - Commercial:** Stores, services and related uses now conform to new economic scales and often new building types. Kent has definitely experienced this change in pattern both in the village core and along the highway south of the village. The tendency is to transform older buildings and/or to construct complexes



on a scale previously unknown within the Town. These market forces need to be balanced by carefully defined performance standards which can protect the Town from being overwhelmed while still allowing reasonable development which can be justified by sound financial marketing analysis.

Town character planning is based on the recognition of these basic patterns and a conviction that some of these patterns hold values essential to the maintenance of the image, status and character of the place and that others reflect general homogenizing development trends. The strategy is to modify and amplify existing rules to protect the historic and base patterns; to define acceptable new patterns based on socio-economic need and physically and visually identified standards; and to devise a means of blending these patterns so as to retain a desirable and distinctive Town profile.

### **Explanation of Map**

The Landscape Pattern map indicates areas of distinctive conditions as observed from driving all of the roads within the Town. These areas vary in their characteristics but all exceed the normative qualities of the overall Town landscape.

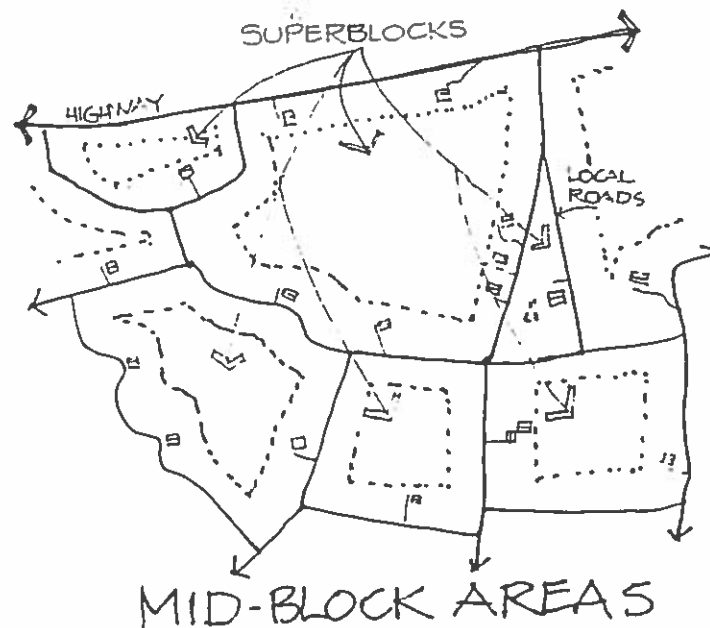
The map also shows areas that have already taken on suburban patterns of development and, as such, are the major factor in transforming the character of the Town. The trend illustrated here is taken up again on the Town Character map which diagrams the locations of all major subdivisions of the last five years. These areas may not, as yet, show the new pattern but the act of subdividing indicates intention to develop in accordance with prevalent development practices.

Village nodes are shown in recognition of the different density of these centers and to recognize the natural bounds that help define them. This study has not allowed time for more detailed study of these centers, their image and form. Preservation of Town Character should include safeguards to insure the harmonious integration of new building with historic structures in each village.

Institutions are identified. The three school sites are Kent School, the Skift Mountain site and South Kent School. These are isolated as they represent a different pattern which, by its scale and architecture, is comparable with the smaller villages. Corporate centers, should they consider locating in Kent, will assume this sort of campus layout. As a different type of pattern these larger-scaled complexes need to be carefully considered with extensive site and architectural review.

The map shows as normative all areas not specially called out which are within a band of a thousand feet of either side of all Town roads. Normally, all development occurs within this band. The spatial arrangement of structures, fields, walls, treerows, etc within these bands establishes the base physical and visual character of the place. Incremental changes along these bands or on new additions to these bands slowly change the image and sense of the place.

Lastly, the map shows extensive mid-block areas within each area surrounded by the thousand foot bands. These areas are relatively inaccessible, contain much of the steepest lands and provide a passive land bank for the future. How these mid-blocks are cut into over the next decades will be critical to either sustaining something like the current density and mix or transforming to something much more suburban in image, density and pattern.





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## **Town Character**

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The profile of Kent is a composite that includes recognition of its clearly defined topography, the river valley with its string of villages, the undulating uplands with their smaller valleys, the distinctiveness of several farmscapes, the pervasive wooded slopes and ridges, the extensive dedicated open space and the general homogeneity of its low density development.

### **•Landform Types**

**A. Topography:** The physiographic configuration of the town consists of a major river valley with a steep west flank and a series of terraced plateaus to the east. Two cross valleys define the Macedonia Brook corridor and less clearly the lowlands that lead down to South Kent. The majority of the surrounding higher land rises from these valley or from similar valleys which originate in New Milford to the south. Valleys tend to be developed, hilltops and steeper slopes tend to be wooded. Orientation, due to the steeply folded nature of the land, plays a significant role in enhancing the desirability of sites. Many slopes and major portions of the secondary valleys face the sun.

**B. River Valley:** The Housatonic valley cuts diagonally across the town and serves as the zone of villages, commercial development and newer suburban-type housing. The river is paralleled by Route 7 which serves Bulls Bridge, Kent, North Kent and Flanders. The area between the road and the river is generally flat, with large sections near flood level. The land on the east side of the road is a series of plateaus slightly higher than the road. Both of these flatter areas were originally farmed. Much of this once open land has been converted to house sites and there is evidence that this trend will continue. A major portion of the newer housing occurs relatively out-of-sight east of the road and north of Kent village. Attention now seems to be turning to other areas, including a highly visible area east of the road and south of Kent village.

**C. String of Villages:** Three of the four Housatonic valley villages are joined, or nearly so. Kent village on its northern end is partially separated from North Kent by a few still open fields and minor changes in topography. North Kent, in turn, is hardly distinguishable from Flanders. Only a bend in the road and vegetation visually separate these two nodes. All of the area north and south of these three villages, plus the small open land parcels between them are vulnerable to development which could easily merge them and thereby lose the separate images of the northern two villages.

The other built up nodes are out of the main valley. South Kent's image is less distinct due to its spread-out form. East Kent is merely a cluster of houses and Kent Hollow is only slightly larger.

**D. Smaller Valleys:** Three significant lesser valleys are oriented towards New Milford to the south. Each of these is highly scenic with long panoramas to the surrounding hills as well as picturesquely placed farms. These valleys rival the best scenic locations of Vermont. There are other appealing valleys: those parallel with Lake Waramaug and surrounding Kent Hollow and those on higher ground, west of the river on Skiff Mountain. The scale, mix of open fields, remaining farm imagery and relatively limited development heighten the importance of these smaller valleys.

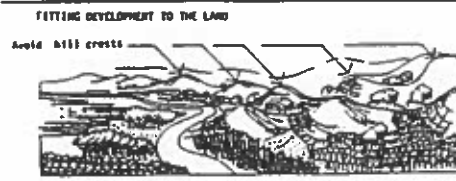
Macedonia Brook gives its name to a linear valley which has been kept open by the Kent School. The valley north from South Kent lacks the appeal of the others due to extensive wetlands and the old Penn Central right of way.

**E. Farmscapes:** The image of Kent is derived from three things: varied topography, the character of Kent and Flanders villages and the well kept remnant farms which form the focal attraction in numerous valleys. Farm imagery is sustained by remaining barns, farm houses and fields. The ruralness of the place is contingent on the retention of this open agrarian image and the care with which new housing is sited.

**F. Uplands & Wooded Slopes & Ridges:** These areas are, for the most part, wooded. This tree cover provides a consistent visual background to the more animated and built-up images of the valleys.

**G. Dedicated Open Spaces:** Much of the Town has been set aside as open space. These lands tend to be on higher ground, along the river or adjacent to ponds. These natural areas serve to buffer and separate development and add to the general low density of the Town.

**H. Homogeneous Development:** To date, the incremental development of the Town over centuries has resulted in a remarkably homogeneous appearance. This is due to the architectural consistency of historic and more recent construction. This homogeneity is threatened by larger-scaled commercial development (Kent center), and suburban siting layouts and house types.



### •Site Relationships

In addition, it is necessary to describe the relationship of builtforms, settlements and land divisions. This includes the historic relationship of buildings to roads and fields, traditional interpretations, contemporary variations and new relationships. These are briefly explored below.

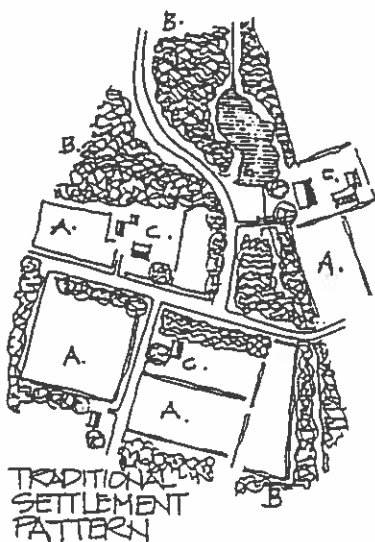
A. Historic Building to Site Relationships: Buildings built before 1900 can be judged to be historic by virtue of their age. We tend to think of historic buildings as being only those of recognized architectural merit. Any older residential structure in good repair represents the locational preference, site relationship and builtform traditions which determined the base image and form of the Town.

These early structures were not large by today's standards, although many of the most significant historic structures throughout the Town are ample. The buildings were located parallel and relatively close to the road on large lots and most often had several dependencies or secondary buildings - now often missing. In town these structures were closer together but still had deep, large lots. Trees along the roads and fences complete the picture. The form of the houses was box-like and simple, with strong reliance on design conventions that called for aligned openings, modest frontispieces around the main door, trim at the corners, gable ends and cornices. The proportions gave them grace and status.

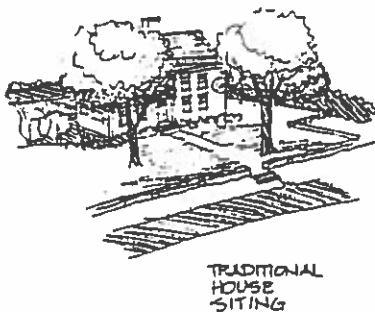
#### Historic Building to Site Relationship

B. Traditional Building to Site Relationships: Building in the first half of this century, by and large, conformed to the earlier conventions or continued Victorian variations. Increases in vehicular traffic, new reasons for living in the country, seasonal home building all provided changes in the placement pattern of houses. But these differences were minor and the new structures were easily integrated into the established pattern of building.

C. Contemporary Building to Site Relationships: The last forty years have seen a rapid change in the lot size, siting of houses and the form and size of these houses. Average lot sizes became larger, road frontages became the critical factor. House placement tended to be evenly spaced but on a more extended basis. Houses were now sited according to setbacks which in turn were based on some imported ideal. Often the new patterning placed houses down the middle of once open fields or as openings carved from the wood's edge. The units themselves became anemic variations of the historic types or new mutations which "applied" images from the past on ill-proportioned, larger structures.

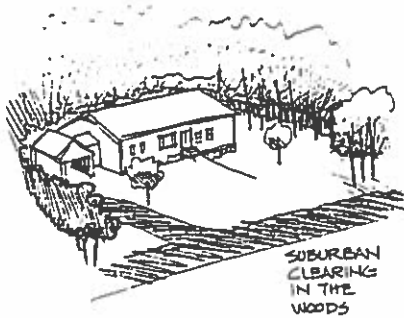


- A. FIELDS
- B. WOODS
- C. FARM OR HOUSE





**D. Contemporary Siting Trends and Problems:** Today, siting of multi-unit development often is required to meet sophisticated standards. These regulations require adherence to rigorous natural factor standards to protect, groundwater and aquifers, and may protect vegetation, slope and erosion conditions and other possible causes of degradation of natural systems. This bundle of rules can be seen as a second wave of environmental sensitivity planning. Many authorities also require that siting meet complex spatial rules, building configuration standards and other performance criteria. Most of these newer regulations relate to the direct or indirect acceptance of new building types. These primarily accommodate multiple units either attached or in close proximity. The intention is to compensate for the immediate density by the dedication of significant surrounding open lands.

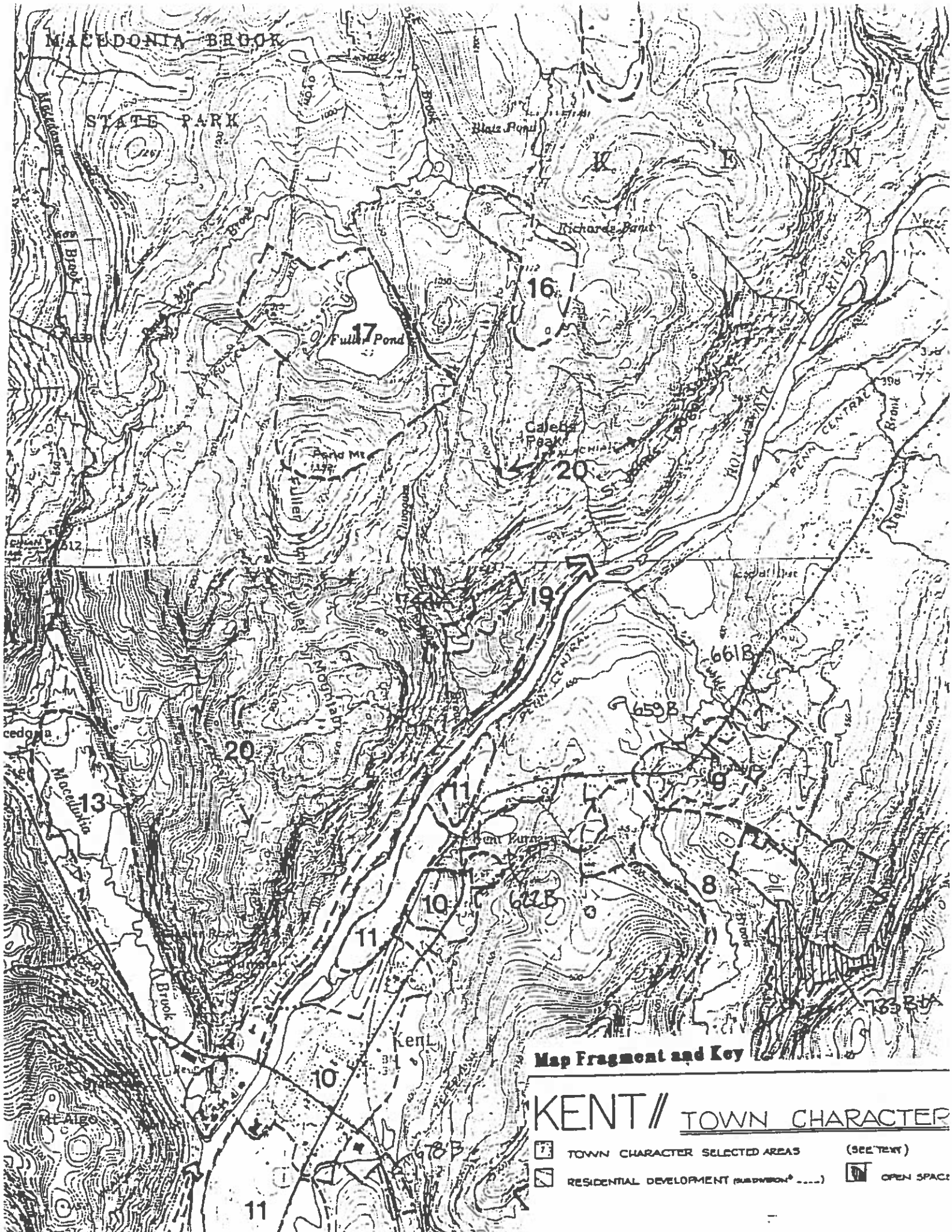


For the most part, these innovative spatial and building character rules are based on the expansion of traditional performance criteria for a single house on its lot. They do not take into account the much greater cultural and visual impact of these complexes and their ability to instantly transform the character of a rural town.

### **Explanation of Map**




The previous maps inventoried essential cultural data in spatial terms. This summation map isolates a series of typical and special areas which should be dealt with within the planning process of the town. This map locates the four basic patterns into a generalized spatial zone and also isolates special areas which need specific description and evaluation. This text describes these special identified locations, and makes recommendations for appropriate planning designations and use or protection strategies

Also shown on this map are all subdivision sites aproved over the last five years. The juxtaposition is a dramatic reminder that as certain interests strive to protect the natural and cultural amenities of the Town there persists an incremental process of change which will eventually transform the character of Kent.



Map Fragment and Key

# KENT// TOWN CHARACTER

-  TOWN CHARACTER SELECTED AREAS (SEE TEXT)
-  RESIDENTIAL DEVELOPMENT (SUBDIVISIONS)
-  OPEN SPACE



## **Town Character Enumeration**

The following is a description of selected areas of the Town. The list concentrates on the distinctiveness or the proto-typical condition of each area. The next section then suggests planning strategies which can be used on a Town-wide basis with particular attention given to specific procedures for protecting the selected areas. [Rating system: 5 - highest, 1 - lowest rating - all cited Kent sites are well above an average based on a broader regional analysis (1975 study)]

### **Town Character Selected Areas:**

#### **1. Geer Mountain Panorama: Scenic and cultural viewshed**

[rating: 5]

A meandering road provides an extended South-facing panorama overlooking a large hillside area of fields and woods, with views to distant hills and the valley floor where the eye focuses on a series of ponds. The entire composition is probably the most appealing in the Town. Components are predominantly natural but include farms and their associated buildings; dramatic topography enhances the entire scene.

#### **2. Ore Hill Panorama: Cultural and scenic area**

[rating: 3]

A more modest panorama seen from a stretch of road on either side of Peet Hill Road. The composition, facing South, is of open farm fields and farm buildings seen framed by well built stone walls and mature roadside trees.

#### **3. Lower Treasure Hill Road Panorama: Cultural and scenic area**

[rating: 4]

The scenic focus is on a grouping of farm buildings and related houses within a well contained area on a South facing incline. The surrounding fields and woods are critical to the cultural identity of the area. Possible development of an immediately adjacent hillside area threatens the cultural continuity of the area.

#### **4. Treasure Hill Area: Cultural area**

[rating: 3]

This is a cluster of houses and fields on a high plateau, well isolated from other development and adjacent to Iron Mountain Reservation. Woods serve to buffer and define this small area.

#### **5. Kent Hollow Farm Area: Cultural area**

[rating: 4]

An active, working farm with linked house, barn and out-buildings; the area is animated by cows. Wall defined fields in various states of abandonment and the Kent Hollow cemetery separate the site from the suburban-like development of Kent Hollow.

## 6. West Aspetuck/Beardsley Road Area: Cultural area

[rating: 3]

This broad shallow valley features a series of fine farm houses, some with remaining farm buildings, and extensive fields reaching either to hill slopes or valley wetlands. Roadside tree rows and walls help define the sub-parts of this extensive North-South area.

## 7. East Kent Hamlet: Cultural area

[rating: 3]

A small cluster of historic houses which relate loosely to the extreme "S" curves of Kent Hollow Road as it approaches Route 341, which constrains development on the north. Beaman Pond serves to limit the hamlet on the south.

## 8. Cobble Brook Valley: Scenic and cultural area

[rating: 5]

This valley extends some distance in from the hamlet of Flanders whose buildings provide a visually attractive stop to long views down the valley. The moderate incline of the North face of the valley provides a visual backdrop for a series of fields defined by hedgerows and fences. The composition is recognized as significant and steps have been taken to maintain much of its openness.

## 9. Flanders Hamlet: Cultural area

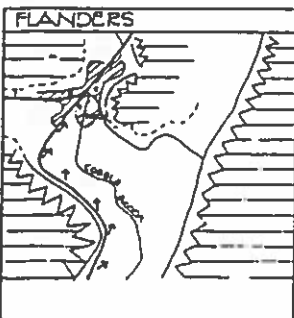
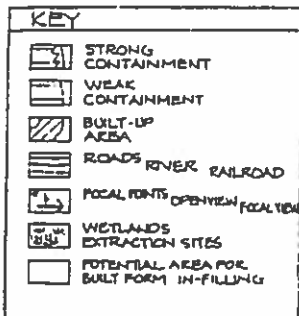
[rating: 4]

An historic cluster of houses located along both sides of Route 7. Unfortunately the need to buffer each house from traffic has diminished the sense of community. The area blends in to North Kent and, to a lesser extent, more recent development north along Route 7.

Description of 1975 study states:

"This original settlement has retained its character and dominance of the valley it terminates. Cobble Brook Valley and the farm are an integral component of this hamlet. The clustered houses are primarily tucked into a sheltered area behind a knoll where the present Route 7 bends sharply to the west. The architecture and siting of the houses and the farm are outstanding. The area is not totally contained by natural features and therefore could easily be modified to its detriment. Any building allowed within the Cobble Brook Valley will be extremely unfortunate as this is an outstanding scenic area and should be protected. Similarly, any extensive development along Route 7 will blur the limits of this cluster and diminish its present quality." [this analysis still holds]

### Key and Flanders Map - 1975



## 10. Kent Village: Cultural area

[rating: 4]

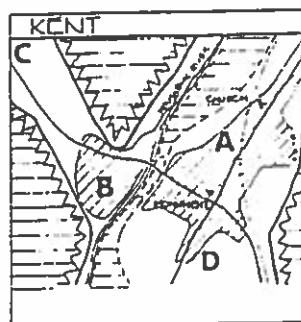
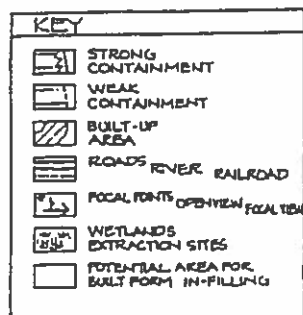
This town center has been significantly modified in that it has lost more traditional commercial uses such as the large lumber yard and gained an extensive new commercial area, new Town Hall, a large grouping of multi-family units and been changed by the

conversion of houses for commercial uses. The image has been modified but the general character of the Town has been retained.

The 1975 Study states:

"Kent is a river edge town located at the intersection of Route 7 and 341 where Macedonia Brook comes to the Housatonic. Four distinct sections of the town can be isolated: (A) the town center, (B) the Kent School, (C) Macedonia Brook Valley and (D) the south side of town extending down river and along Route 341. The town center has a simple grid organization with significant buildings extending along Route 7. Of particular note are the white spired church and large houses set well back from the road. Recent commercial development and condominium units have been successfully integrated alongside of the road. Unfortunately, initial success is generating extensions of this development which may in time dominate the older village fabric.

Overall the sense of place that extends from the monument north along Route 7 is of a typical New England river bottom town with a good mix of old and new thus far in a tenuous harmony. Growth within the town, unless more stringently controlled, will tip this balance and seriously erode the strong historic character." [Unfortunately, the extensive commercial development has significantly transformed the core of the village. Care must be taken that additional transformation does not extend up and down Route 7 and change the north and south entries into the village]



#### Key and Kent Map - 1975

#### 11. Housatonic Valley Meadows: Scenic and buffer area

[rating: 3]

The Housatonic River cuts diagonally across the Town. Along its banks are broad, flat fields which extend to Route 7, to the back of Kent village, or back to Reservation Road. The openness of these fields helps to definitely separate urban nodes from open country. Their flatness and their adjacency to Route 7 makes them highly vulnerable to development. If the landscape identity of the main village is to be maintained then the retention of these fields as open land is critical.

#### 12. Bulls Bridge Hamlet, Covered Bridge and Gorge: Scenic area

[rating: 4]

Bulls Bridge is a modest cluster of buildings along Route 7 at the southern end of town defined by water related features. These include the Connecticut Light & Power dam with its related spillways, the canal that feeds the next impoundment, and the Gorge. Houses extend up Bulls Bridge Road to the East. The Water features help to define the hamlet as experienced from the highway, but here is no equivalent buffer to the East and the nodal definition suffers.

#### 13. Macedonia Brook Valley: Scenic area

[rating: 3]

This is a very well defined tributary valley which joins the Housatonic at Kent village. Visual closure is provided to the East by

the building complex of the Kent School, and at the other end by the hamlet of Macedonia and the hill directly behind. The valley is developed on the South side of Route 341 and relatively open between this road and Macedonia Brook and the edge of Fuller Mountain. This openness, again, helps to define a distinct separation of open land from the built-up node of Kent village. Retention of this buffer as open land should be seriously considered.

#### 14. Kent Falls and Overlook: Scenic area and panorama

[rating: 4]

Where it is adjacent to Route 7 this State Park area is very well contained and naturally buffered from roadside development. The land area associated with the falls should be extended to the heights above where scenic panoramic views are possible. This higher zone could be developed for passive recreational use. In any case, a larger contextual zone should be defined to insure that the scale of the natural attraction is not compromised by development encroachments.

#### 15. Tobin Farm: Cultural and scenic area

[rating: 4]

At the northern edge of the town are a series of related farms and their fields which, because of their high ground position have associated panoramic views. These farm spaces are a critical part of the total town image. They contrast with the very extensive woods of the State Park, Appalachian Trail, Pond Mountain Reservation and adjacent private lands. They are also highly attractive cultural features with fine houses.

#### 16. Skiff Mountain Fields: Scenic panorama and cultural area

[rating: 3]

The road up to the Skiff Mountain Kent School campus is bordered primarily by woods but also by a series of very large open fields; there are additional fields East of the school as well. These open spaces provide attractive contrast to the predominance of woods; they also provide many long views to distant hills. The openness of these fields reflects farm usage, offers welcome contrast and thus enriches the grain of the landscape. They should be retained as undeveloped open spaces.

#### 17. Pond Mountain Area: Scenic area

[rating: 5]

This is one of the primary conservation sites in Kent; views from the top of Fuller Mountain are spectacular. The area adjacent to the access area is also of cultural significance, as is the area directly across Fuller Mountain Road.

#### 18. Reservation Road: Scenic route

[rating: 4]

This river edge road has many stretches of outstanding views along the Housatonic; it also has a dramatic interval where sheer cliffs constrict the road to a narrow line directly beside the river. This

area also has a site used for dumping which detracts from overall scenic quality but which could easily be rectified.

19. River Road: Scenic route

[rating: 3]

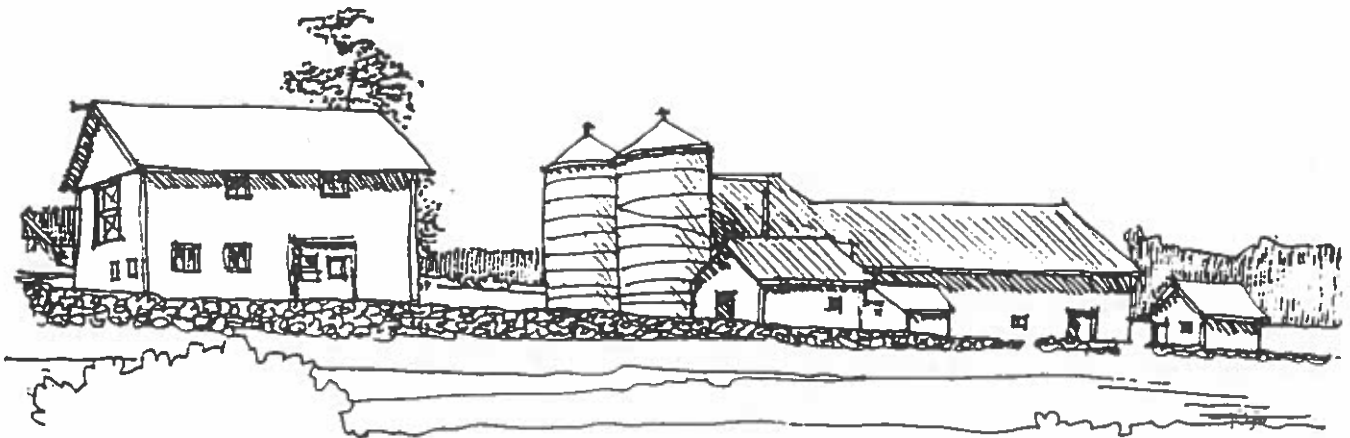
This river edge road includes a portion of Skiff Mountain Road and then the woods road administered by the Park Service which runs North alongside the Housatonic. Of primary concern is the stretch from the 341 Bridge to the Park Service jurisdiction. Development should be restricted to not detract from the open character of both sides of most of this stretch.

20. Appalachian Trail: Scenic route

[rating: 3]

The trail is all but invisible in Kent. This insures the isolation desired by those who use the trail. It should be protected by buffer restrictions everywhere it comes in contact with Town roads or built-up areas.

Note: This study has identified twenty areas within the Town deemed to be significant for both Town Character and Open Space reasons. This, in no way, excludes the Town, the Planning & Zoning Commission or the Conservation Commission from citing other areas of the Town which are considered to have similar attributes. These may include smaller areas which were not included in the enumerated list



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### **Planning Options Based on Town Character Analysis**

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The following explanation and commentary addresses several planning ideas and strategies for recognizing Town Character and including this thinking into the ordinances and procedures of the Town. These suggestions should be taken seriously, but also seen as illustrative of an approach which attempts to conserve community character. Additional or other strategies may well be needed as the Town attempts to implement these ideas.

#### **•Protection Strategies:**

The following ideas suggest various mechanisms for responding to the cultural ideas already presented and for protecting those sites identified in the Town Character chapter. The premise is that key areas or features of the Town must be singled out if the community is to protect those physical attributes essential to its character. Included are ideas for public education, individual assistance and specific strategies for protecting identified sites or general cultural landscape conditions.

#### **•Planning Assistance**

Any process which changes procedures or initiates options which are preferred over as-of-right development must include some form of assistance so that the landowner and/or developer are advised of the Town's preference or requirements. In the case of defining and protecting Town Character we have isolated specific areas which are felt to be of critical importance to preserving Kent's character. In these areas, at the very least, some form of mandatory pre-application review should be mandatory and there also should be some means for providing planning assistance to the landowner so that he may explore options before becoming committed to a specific developer or funding process or locked into a scenario which has already run up a bill for expert services.

The objective of this process is to encourage landowners to consult with the Town prior to entering into any process to sell or develop their land. Cooperation between owners and the Town can maximize dual benefits: the owner receiving suitable monetary return directly or in combination with tax benefits and the Town being more active in insuring the preservation of Town Character.

#### **•Town Fund for Planning Assistance**

This approach has the Town initiating a process by which anyone considering development within special areas or beyond a certain scale is required to meet with the Planning & Zoning Commission who may, at

their discretion, employ the assistance of an outside consultant to assist in review of options and to be the Town's advocate to insure that Town Character objectives are met.

The Town should provide limited funds as a Planning Grant to cover a modest feasibility/options site specific planning study. It is at this stage that interested third party non-profit groups, (land trusts etc.) can enter into the review process and may augment planning assistance funding. This process already can be used for review of agricultural lands through a local Agricultural Land Preservation Fund which is provided for in State Statutes. This fund may receive public and private donations and is controlled by the Town. (See also, the Open space plan section of this report). This process should be initiated in Kent and expanded, using General Funds, to include at least all special areas as enumerated herein.

#### •Protection Mechanisms

The Town should initiate a more defensive posture which limits the scale and character of permitted as-of-right development. This means that the Town can restrict all subdivisions beyond two (or three) lots to a process of required pre-application consultation and designation of areas of buffer, conservation or other requirements associated with particular zoning districts or overlay districts. Particular attention should be given to Special Areas isolated herein or as defined by Town Boards and approved by the Board of Selectmen. The intention is not to preclude or deny appropriate return by any owner but to insure that new land development also meet Town objectives of maintaining designated environmental and cultural standards. These are more fully articulated in the following sections.

#### •Village Ambient Zones:

A central feature of a town like Kent, and, in fact, most towns whose origins go back to the eighteenth or nineteenth centuries, is the separation of villages, hamlets and town centers from their rural surroundings. Each urban node, no matter how small, has, historically distinct edges which exclude commercial or residential sprawl. The village and hamlets of Kent retain this separation to a remarkable degree. This separation should be seen as a key component of retention of Town Character. Two approaches are explored for enhancing the sense of cohesion of the village and recognizing its ambient characteristics.

#### •Commercial Zone Limitation Criteria:

All too often too much land area is zoned for commercial uses. This is based on the optimistic idea that increased commercial activity will

translate into increased tax dollars. Insufficient attention is given to secondary aspects of this initial impulse. First, increasing the area encourages low intensity, non-contiguous development; and second, it encourages marginal businesses on the fringes of the commercial zoned area. If this tendency is reinforced by special efforts to develop a large area at one time for commercial, civic and other non-residential uses, then it is easy for a town to build more commercial structures than can be filled and sustained.

The last image a small town needs is one of failed commercial uses or areas whose previous commercial uses have been superseded by new business development at another site. To forestall these tendencies each rural town should control its impulses to become a minor regional marketplace if to do so increases the danger of transforming the image and character of the place.

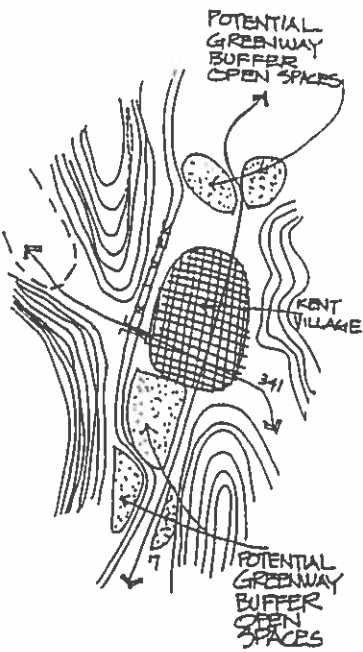
Kent has with its new commercial development opened up the potential for over-extension of its commercial square footage and for problems to occur in sustaining such a large number of individual businesses. The density of structures, their placement off the main street, and the sizes of the buildings may all contribute to a less than satisfactory occupancy rate.

Commercial sprawl at the edges of Kent village and the other nodes needs to be stringently controlled by severe limitations on commercial zoned land at these locations. Larger uses requiring lots unavailable within village centers or ones which would cause removal of historic buildings require special attention. These uses should only be allowed in places removed from village nodes and then in places which can be completely contained and buffered from more traditional land uses.

#### •Greenway Buffers:

Of even more critical importance is the setting aside of open land buffers at the gateways to each built-up node especially Kent village. Specific fields along Route 7 north and south of Kent are indicated on the adjoining map. North of the village two sets of fields on either side of the road are key to defining this end of Kent and maintaining separation from North Kent and Flanders; to the south the large open field directly behind the Kent Center School and the nursery is of even greater importance. If this and other large, flat open areas are developed in a conventional manner the image of Kent will be compromised and its historic basis definitely altered.

#### Greenway Buffer





### • **Negotiated Development Criteria.**

Central to any preservation of rural character is the integration of new development within the context of existing land use and visual patterns. Rules can be set that approximate the desired relationship of new with old but these probably need to be augmented by negotiation mechanism which offer incentives for conformity to Town Character preservation procedures. Three techniques for achieving the desired results are explored.

#### • Criteria for Farm & Field Protection:

If it is agreed that rural character is associated with farming and the appearance of farming then it is critical that the Town take steps to retain farm buildings within a sufficiently large ambient area and that farm fields be kept, as far as possible, as unbuilt on land. The objectives of this endeavor fall into the following sub-parts:

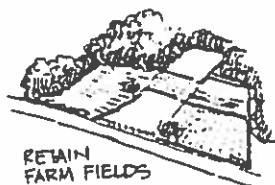
- \* Retention of farm buildings and related outbuildings;
- \* Retention of open fields especially those associated or adjacent to farm building complexes; and
- \* Incentives to place buildings within the landscape such that they do not unduly reduce the size of open fields, do not impose subdivision geometries and do not call for wide paved roads.



• Retaining Farm Buildings: To a great extent, the gradual abandonment and removal of farm buildings has run its course. There are relatively few remaining and these are either still parts of functioning farms or have been restored or modified by those who appreciate their associational forms and character. So, to a great extent, the market has resolved this part of the equation. In the case of working farms, up-keep and retention of secondary buildings is a real problem. The Town needs to consider increased incentives for retention and/or maintenance of these buildings. This can be accomplished by increased tax relief coupled with maintenance and continued farming requirements.

• Retaining Open Fields: This is a more critical area in that the open field pattern of the Town is slowly disappearing due to man's inaction - fields are increasingly let to grow back to woods. In addition, a proportion of these fields have been and will continue to be converted to house lots. As the Town is so heavily wooded the alternation of open fields provides much needed visual and spatial contrast. These fields, even without related farm buildings, reference the agrarian past of much of the Town.

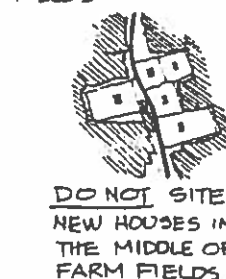
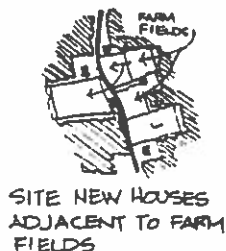
The Town needs to encourage retention of these open fields by consideration of open space tax relief, or through some form of



increased density allowance on adjacent wooded land or other mechanism which encourage retention of open fields, stone walls, tree rows, laneways and other cultural remnants of farm life.

### Farm Field Retention

• Siting Criteria On Farm Lands: This is the area of most potential. It is relatively easy to rework existing zoning and subdivision regulations so that houses are related to farm fields rather than to minimum acreage requirements and to impose additional spatial requirements which force buildings to be sited away from the center of fields, to areas along the border of fields or into the woods adjacent to fields. The sense of a field can often be retained simply by requiring a greater setback - to the rear of existing open fields and/or by requiring that buildings be sited directly adjacent to existing stone walls or hedgerows.



### Siting Criteria on Farm Land

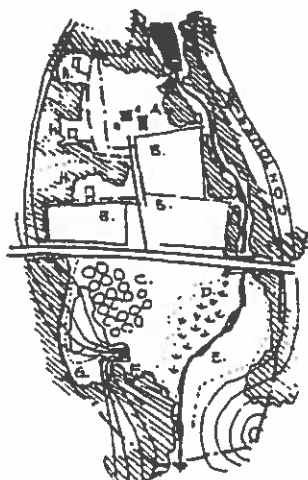
• Conservation Subdivision or Planned Area Conservation: This is a process which allows for limited grouped development with stipulated performance criteria which is set so as to retain Town Character. The basic idea is to prepare a site analysis of the land in question to determine its environmental and cultural attributes and to then devise a plan which is sensitive to these factors. The landowner is encouraged to act directly with the Town (rather than selling to a developer or joint venturing with a developer).

The process continues by allowing up to a set number (perhaps 6 or 8) of new residential units which are accessed by a modest country lane (of 16 or 18' width) which is required to respect existing fields. The housing units are sited so that they do not occupy the majority of open land and certainly avoid the center of fields. This plan is negotiated by the owner and the Town and ideally provides the owner with a quality site plan with a comparable return when compared with a more conventional sale to a perspective developer.

### Planned Area Conservation Concept

#### • Transfer of Development Rights:

This process recognizes that every parcel of land contains a bundle of rights which can be separated from each other and in some cases from the land. The idea is that when it is desirable to keep land free from development the owner should be able to transfer the potential development rights to another part of his land or sell them to another for use on another site which conforms to the conditions of this provision. This process certainly can be entertained by Kent as it

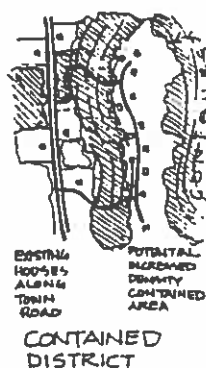


- \*A. EXISTING FARM OR HISTORIC BUILDING COMPLEX
- \*B. ASSOCIATED FIELDS
- \*C. SCENIC AREA
- \*D. WETLANDS
- \*E. FLOOD PLAIN
- \*F. OVERLOOK
- \*G. TRAIL
- \*H. NEW HOUSES OFF OF FARM ACCESS ROAD
- \*I. CONSERVED LANDS (?)

provides a potentially direct means of saving recognized values without interfering with the market value of the land. In practice, this mechanism has not been used as much as one might think. Therefore, models for implementation would need to be carefully reviewed in writing such a provision for Kent.

### •Contained District Density Increases:

The principles of containment suggest a strategy which identifies relatively isolated or contained areas where, with conformity to stipulated rules, development can be tolerated at higher densities and can accommodate different housing types and configurations. This can be seen as a particular variation on Conservation Development.



### •Criteria for Density Increase:

The concept of this idea is to allow for modest increases in density in areas where the developer can demonstrate that the new residential units will be within a self-contained area that is visually masked from the roads of the Town, from adjacent properties and from those who overlook the site up to a stipulated distance. Illustrative general areas where this type of condition exists have been shown on the Containment / Scenic Quality / Ambience Map. This concept can be used to help balance more restrictive ideas expressed herein.

### Contained District

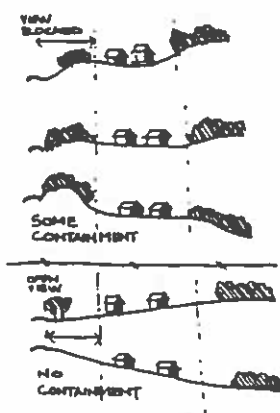
### •Historic Districts:

This is the most established mechanism for the preservation of recognized historic elements which by their age and quality reflect selected aspects of Town Character. The criteria of Historic District designation can be expanded to encompass a broader idea of Community Conservation.

### •Criteria for Retention & Additions:

Historic Districts reflect conformity with standards for designating a group of structures as historic. Traditionally these areas include only lands directly adjacent to the buildings included within the district and only occasionally include open lands not directly related to specific buildings. The concept of ambience featured in the 1975 report suggests that a larger area including buffer zones, land uses associated with historic farm buildings or "ghosts" of prior activities should be incorporated within Historic Districts.

The controls of Historic Districts are only as stringent as they are set by the Town as allowed by enabling legislation. They need not all be so controlling as to preclude normal minor changes and additions to older structures. Expansion of Historic Districts does clearly indicate the



Town's desire to defer to its past and to base future development on retention of the individual buildings and larger zones felt to be essential to Town Character.

#### •Community Conservation:

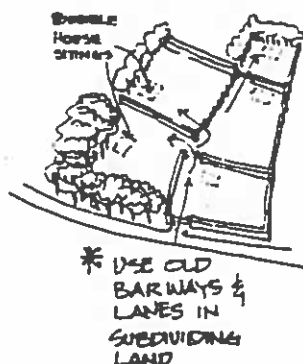
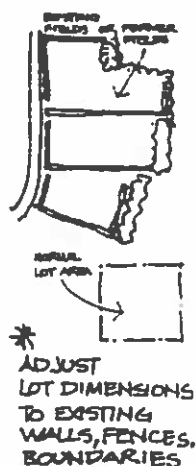
In a broader sense, the concept of Historic Districts can be expanded to include retention of basic patterns and incorporated with other ideas dedicated to conserving both cultural use patterns and environmental factors. This expansion suggests that traditional conservation interests link with preservation interests in a combined and coordinated approach to retain values held in high esteem by the people of Kent.

#### •Building Siting Criteria:

The mechanisms of planning are concentrated in zoning, subdivision bylaws and related performance standards. Central to these standards are a series of spatial dictates which for the most part are interchangeable from community to community. These standards control lot size and configuration, setbacks and height restrictions and related environmental requirements stipulating well and septic locations, groundwater, aquifer and floodplain protection. There is no reason why these standards cannot be adjusted to be more responsive to local settlement patterns. The following discussion illustrates spatial standards which are sensitive to cultural variables.

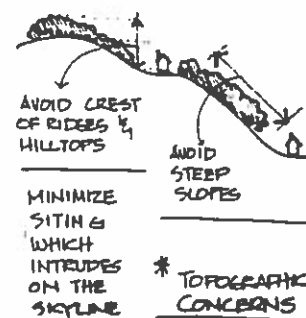
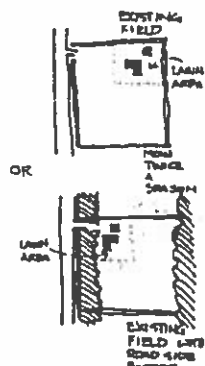
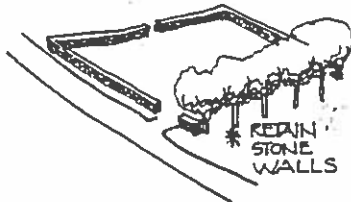
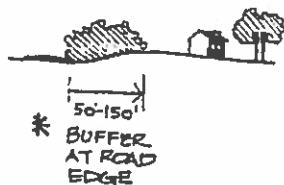
These ideas have been referenced, in part, in discussion of the means for protecting the openness of farm fields. The basic idea is to supplement the standard dimensional requirements of every zoning regulation with additional or replacement criteria which are more appropriate to a rural town such as Kent. The objective is twofold: first, to site new construction so that it allows the older structures to retain dominance along the roads of the Town, and second, to integrate new buildings within the cultural landscape of the Town so that they do not unduly transform the character of the place.

#### •Culturally Based Spatial Standards:

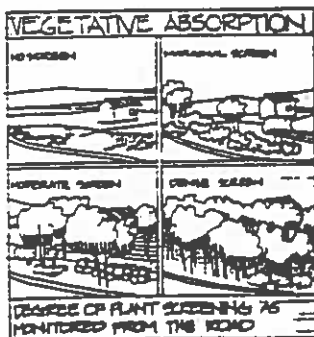
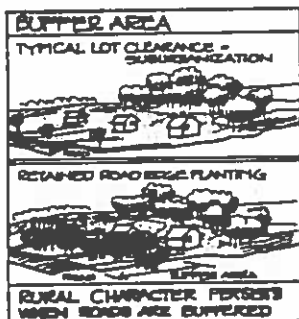


Examples of suggested spatial standards include:

- \* Lot area adjustment to accommodate existing field dimensions.
- \* Building placement in field lots
- \* Road edge buffer requirements.
- \* Retention of existing stone walls.
- \* Use of old laneways and barways.
- \* Field edge siting criteria.
- \* Woods edge siting criteria.
- \* Topographic restrictions.



### Spatial Standards Illustrated



Lot Area Adjustments: Standard planning area requirements are not at all sensitive to existing spatial definition. They require prescribed frontage minimums and overall area without any regard for existing stone walls, hedgerows or other traces on the land. The suggested concept requires (or allows) for dimensional flexibility, within prescribed limits, so as to align new subdivisions with existing field and property edge conditions. The suggested limits to flexibility can be established with a percentage flexibility allowable on any one lot and an overall requirement that in larger subdivisions the average of all lots shall conform to normal area requirements.

Road Edge Buffer: It is debateable whether it is possible, or advisable, to dictate what new houses should look like. It is widely held in our culture that everyone should be allowed free reign in the style and appointment of their house. But this freedom may very easily impose a visual burden on the public and more commonly held visually acceptable standards. One way around this problem is to require vegetative and/or topographic roadside buffering of new units.

especially of any complex of more than two or three units. A strip can be required to be left as wooded, planted with a mixture of trees and local shrubs or the natural grading and vegetation can be required to be left as is when the topography assists in hiding the new structure.

**Retaining Stone Walls:** Many towns, by ordinance, require the retention of all old walls and include stipulations governing cutting of new entries through them. Kent should move to better protect these boundary markers.

**Old Laneways and Barways:** Where possible, subdivision review should require/encourage use of older rights-of-way, especially in cases where the required installation standards of new subdivision roads can be held to a minimum. In using older laneways care should be exercised to retain adjacent walls and vegetation.

**Field Edge Siting:** All too often we see new houses placed in the middle of old fields or strung out in a line down the middle of a series of fields. This placement is visually obtrusive and will, in all cases, dramatically change the character of the land. It is better to require that all new building to be located in old fields be placed immediately adjacent to the field edge, thus preserving the appearance of an open field. A quadrant siting process can be used in conjunction with flexible lot dimensioning based on existing field, stone wall and tree row placements.

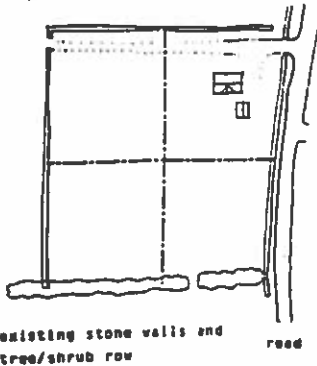
#### Field Edge Siting

**Woods Edge Siting:** An even more attractive siting in connection with fields is to place the new construction directly in the woods looking out at adjacent open space. In cases where lots are "carved" out of the woods along a road, care should be taken to retain an ample vegetative buffer and to respect the lay of the land, retain major trees and generally avoid the ragged look of so many minimal in-the-woods sitings which are close to the road and consist of open space just sufficient for the required septic field. Special care must be taken in these cases that the woods are not merely bulldozed over in an unsightly manner which leaves exposed tree roots and an overall unsightly appearance.

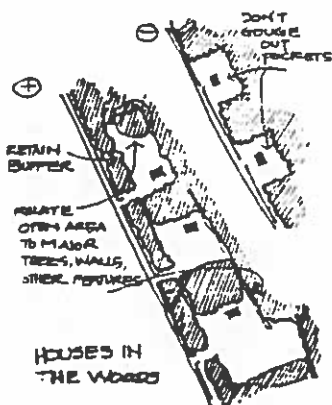
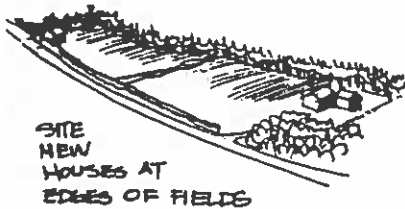
#### Woods Edge Siting

**Topographic Restrictions:** Driving through rolling wooded areas one often sees houses perched high on hillsides such that they stand out as silhouettes against the sky. These lofty sitings commonly have long drives which scar the hillside and may contribute to erosion. In general, siting should be kept well below the crest of any hill or ridge and steep

SPATIAL PLACEMENT  
OF HOUSE REFLECTS  
TRADITIONAL LOCATION  
OF BUILDINGS TO FIELD



site divided into four  
approximately equal quadrants  
house sited in one of these  
sectors.



slopes totally avoided. These factors can be incorporated into zoning restrictions.

### Topographic Limitations

#### •Building Type Criteria:

If one accepts the notion that everyone's home is their castle then one must accept the idea that we cannot dictate taste. Community responsibility comes to the fore when we consider the impact of individual or multiple development on the community as a whole. A large proportion of ill-advised building is not due to aesthetic or other convictions but relative ignorance and a willingness to accept poorly worked out compromises which seem to reflect historic building types but just do not do so. This section, therefore, is primarily concerned with architectural education which is specific to Kent and its region.

#### •Culturally Based Building Character Standards:

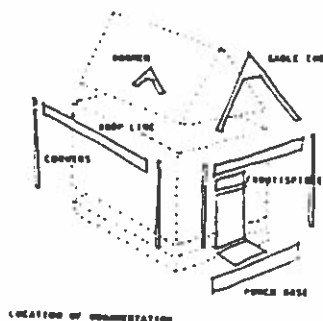
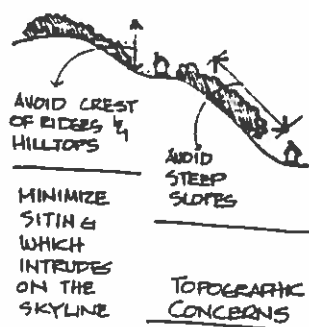
The traditional residential architecture of Kent and surrounding towns is of taut, wooden box-like structures often modified by several additions. These structures are given status by skillful siting and appropriate detail. By and large, this type of residence permits infinite variety within a time-honored set of conventions. In recent decades three types of housing units have been introduced: a) modern, architect designed houses, b) tract-like houses, and c) multi-unit complexes. It is not reasonable to dictate style or to mandate historical requirements for new building. Nevertheless, it is possible to restrict new types of building when they deviate in density, configuration and overall form. The first two new types of housing deviate from the norm of the region out of convictions that the new designs are appropriate.

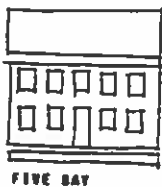
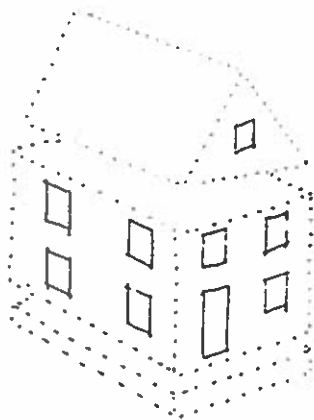
There are several ways in which appropriateness can be assessed. These include a checklist of formal characteristics, some of which should be held consistent with the older, traditional house type of the region. The list includes:

- \*Scale and formal organization of the structure
- \*Alignment of windows and doors
- \*Similarity of materials and scale of repetitive material units
- \*Roof pitch, gable treatment
- \*Location and relationship of detail to building edges and entries
- \*Landscaping of each unit.

### Traditional Building Characteristics

Scale and Formal Organization: The major difference between houses of the eighteenth and nineteenth centuries and now is often scale. We tend to build larger structures overall. Further, we tend to build rather flat,





cubic buildings rather than complexes of joined or adjacent structures. These new buildings frequently look like swollen versions of early American architectural styles but lack the sureness or richness of detail of older construction. In educational terms there needs to be more awareness that over sized, flat facaded, raised basement structures with applique trim come across as cynical or condesending imitations of our ancestry. With a renewed interest in historical architectural inspiration, it is now possible to avoid the "builders special" and build a structure which will respect the scale, building forms and use of detail of the past without recourse to mere period copies.

**Alignment of Openings:** The characteristics of prevailing older building can be analyzed, or broken down into several abstract components. In devising contemporary designs it is enough if many of these characteristics are carried over. Chief among these is the relationship of windows and doors to the facade and to each other. These openings, historically, have conformed to simple proportional relationships and align most often in three or five bay organizations.


**Use of Materials:** Careful choice of materials continues the concept of compatibility of features. Selection of clapboard or shingle is the most obvious means of relating old and new. The scale, or size of these materials is a further refinement of compatibility. Materials not often found in the region often stand out awkwardly; thus brick houses, or other even more seldom used materials, do not readily fit into the regional picture.

**Roof Pitch and Gables:** Builder's houses fail visually to fit within a specific context simply because they avoid sensitivity to basic traditional or regional formal norms. Chief amongst these faults is their inability to build the roof pitch at a steep enough angle. Other problems include insufficient overhang of the eaves, and no sense of the use of appropriate details where two materials come together, primarily, in the treatment of gable ends and dormers.

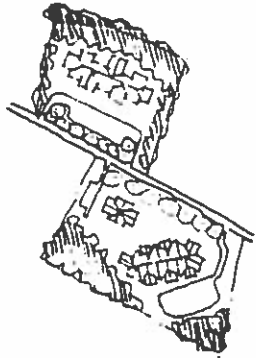
**Details:** Details come from two sources: first, the need to cover corners or joints and second, from conventions devised over many centuries. There are established relationships of where details belong, how they should be integrated into the overall design and which details appropriately go with each other. Status and stylistic statements come from the fitness of these details and not from thin applique bits and pieces. Reticence and robustness are both hallmarks of good detailing.

**Landscaping:** Lastly, countryside or small town landscaping differs from suburban planting. Again, this is a matter of degree and of taste. Too many small and varied exotic plants placed too close to the house give a







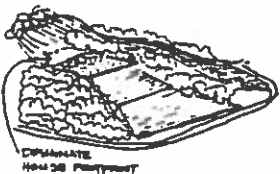
JOINED MULTI-UNIT  
COMPLEXES SELDOM  
"FIT" IN RURAL AREAS  
(FOUR-PLEX, SIX-PLEX, APLEX)




DUPLEXES ARE MORE  
ACCEPTABLE



SUBORDINATE UNITS ARE  
ALSO MORE ACCEPTABLE

DOMINATE  
HOUSE FOOTPRINT



NEW HOMES  
SO AS TO NOT  
COMPETE WITH  
OLDER STRUCTURES

suburban appearance which is out of place in the country where definition of the edge of the lawn as it meets the woods or field edge needs critical attention.

Conformity to some or most of these characteristics helps relate new housing types to the more pervasive traditional units of the Town.

**Joined Units or Single Unit Multiple Developments:** In the case of the third new housing type - multi-family units - The scale, configuration and bulk of these adjacent or joined units precludes an easy sympathetic relationship to older single family houses and to the general cultural landscape. Therefore, it is necessary to both restrict where tract and joined unit developments are allowed and to set very specific standards for their configuration, materials, siting, buffering and overall numbers. Some of these restrictions should include the following:

- \*Siting permitted only within specified locations based on ecological, visual and access standards, preferably within containment areas.

- \*All joined multi-family should be sited within a wooded setting or where they will not dominate existing fields

- \*Buffer planting, existing or new, should be required and combined with topographic buffering.

- \*Bulk of joined units should be restricted by limiting number of connected units and by limiting total square footage.

- \*Single family developments should be sited such that there is minimum repetition of units along existing Town roads or visible from these roads.

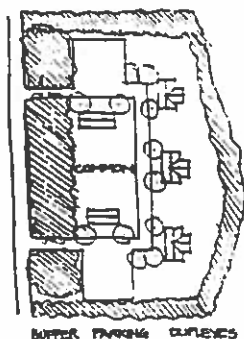
**Specified Building Location:** This idea centers on pre-locating house sites on each subdivision lot as a condition of the subdivision. The criteria can include: optimum screening from Town roads and adjacent hillsides, best location ecologically, conformity to other cited siting conditions and access from developer's road which connects to existing roads at both ends.

### **Designated House Footprint**

**Multi-unit Siting:** The Town should consider its attitudes about multi-unit housing especially if they allow twoplex, fourplex or larger joined configurations. The larger the number of units the more out of place and character will be the results. If multi-unit developments are allowed at all they should be restricted to well buffered, completely contained locations. The onus of proof that there will be no detrimental cultural or scenic effect should be on the developer. Large complexes should never be allowed in open fields where they look like ocean liners; if allowed

they should be sheltered in the woods, well screened from all adjacent land, roads and cross-valley views.

### Large Multi-unit Complex Siting Concerns



MULTI-UNIT  
COMPLEXES  
SHOULD ONLY  
BE ALLOWED  
IN BUILT-UP  
AREAS

Buffer Requirements: All buffer requirements already mentioned become even more important in connection with large subdivisions. Buffers should incorporate topographic features, large tree masses up to a hundred or more feet in depth and, siting of the entire complex so that it is at right angles to Town roads.

Bulk Limitations: The bulk of large complexes comes from actual joining of units or the visual appearance of joining. No silhouette of a structure or structures should be allowed beyond a specified limit based on that of a traditional farm complex.

Single Family Unit Siting: These developments seem the most benign in that they are made up of single houses. Care should be taken to set any development of two or more units well back from Town roads, where they will not be visually obtrusive either as seen from the road or across a valley. Buffering requirements, road layout, road size and standards all are critical to the relative impact of subdivisions..

Again, these ideas are illustrative of how new development can be integrated into the existing patterns of the Town.

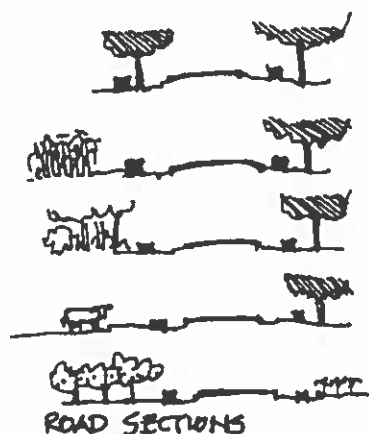
### •Road and Roadside Protection:

As the character of a place is experienced from its roads it is easy to see that some control of roadside conditions can have a bearing on the perceived image and quality of the community. This section explores three approaches to roadside controls.

#### •General Conditions:

All Town roads have a high degree of rural character due to their width, alignments and road edge treatments. In general, these conditions should be retained. The width insures that the road is a visual tunnel which alternately opens up to views across adjacent fields or across sweeping panoramas. The alignment also adds to the sequential interest of the road, provides different perspectives and light patterns, and encourages moderate speeds. Roads with simple, limited verges are critical to maintaining rural scale. For all of these reasons, road widening, realignments and opening of wider roadside verges should be avoided.

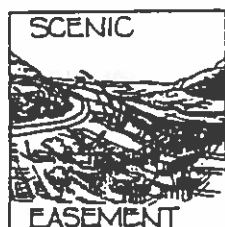
The State highways also exhibit an appropriate scale in terms of width, alignment and roadside conditions. Attempts to up-grade these should be resisted. Obviously, any attempt to upgrade an existing road or locate



a major highway which conforms to state-of-the-art limited access road building should be seriously opposed.

#### •Scenic/Historic Road Protection

Certain roads within Kent are notable for their spectacular scenic views and for the consistency of the visual experience along their entire length. These have been provisionally located on the Town Character map. The Town should consider adopting provisions which both recognize and protect these roads from possible development encroachment. This may be difficult as the State enabling law requires subscription to this designation by a majority of the abutters.

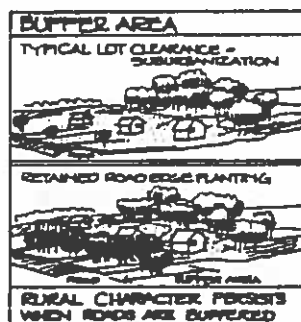


#### Scenic Road Criteria

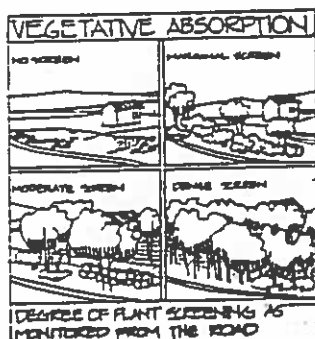
The road pattern of the Town is historic in its placement and in its rural condition. It may be possible to designate roads associated with recognized Historic Districts or conservation areas as having special attributes which should be protected from encroachment.

#### •Road Buffer Requirements:

The edges of all undeveloped areas in Kent, that is areas without structures, fall under three edge conditions: woods, fields or water and wetlands. Where new development is bordered by woods then new development should be required to retain an existing tree and shrub buffer of at least fifty feet. In cases where development is to occupy a field the buildings should be required to be well setback, (but not strung out in the middle of the field), masked by topographic features, and behind a newly planted tree buffer of a least thirty feet. In cases where the property includes road edge conditions adjacent to rivers, streams, ponds or wetlands then the new development should be setback at least one hundred feet from the hydraulic feature with vegetation screening the view to the new structure from the road and from the water body.



#### Road Buffer Requirements



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**Conclusions:**

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**•Comparison with 1975 Study:**

This study differs from that carried out by the same consultant in several ways: first, this study is specific to Kent, the 1975 study covered all of the Northwest corner of Connecticut. As such, this study is more detailed and goes beyond the scope of the earlier work. Second, this study is more oriented to providing arguments in support of both cultural and open space values as well as suggestions for focused protection of cultural attributes of the Town. Third, this study includes two endeavors - an Open Space Plan which sets forth guidelines for the recognition and continued protection of the Town's open spaces, and a Town Character Study which posits that existing cultural conditions should guide future growth and change, and forth, this study and enumerates a variety of regulations which can help insure the cultural and open space integrity of Kent.

**•Plea for Action:**

The Town Character study provides arguments which are new, which are not as yet incorporated into conventional planning procedures. There is every indication that these and similar values will increasingly join environmental criteria in refining planning practices, especially in low density rural areas. Kent should be forthright and lead rather than wait for others to show the way.

**•Lull in Development Pressures:**

This study comes at an opportune time in that the development and investment boom of the 80's is over. This breathing space permits the Town to fully consider where it is relative to controlling growth and what further restrictions or guidelines they want to put in place. It is always difficult to do this when the applications for subdivisions tax the capabilities and time of Town boards and commissions. It is obvious that Kent will be severely challenged during the next boom and that there will be increased demands made on the land in terms of scale, building types and densities. The population of the Town will further change not only in overall numbers but in the profile and expectations of its newcomers. It is time to prepare for these changes now before they accelerate.

## OPEN SPACE PLAN

**Linda Cardini**

### Introduction

This section of this two part document is intended to serve as the Town's **Open Space Plan**, which should be adopted as an amendment to the Town Plan of Development.

It is also to be considered an inventory of "open areas, publicly or privately owned, ... for the purpose of obtaining information on the proper use of such areas" for the Conservation Commission according to s. 7-131a(b), CT General Statutes. The statute enables the Conservation Commission to recommend to the Planning and Zoning Commission "plans and programs for the development and use of such areas." See Appendix for text of Statute.

As stated in the overall introduction, preparation of this detailed Open Space Plan arose from a recommendation made in the 1989 Town Plan of Development Update. In compliance with those stipulations this Plan incorporates recommendations concerning protection of farmfields, and views, scenic roads and historic sites. Because of the cultural nature of this charge there is a definite and acknowledged overlap between the Town Character Study and the Open Space Plan.



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## **Review of Federal, State, Regional and Town Plans and Policies**

### **Federal and State Plans and Policies**

Policies and plans adopted by other levels of government may affect actions of a Town insofar as local land use decisions are concerned. It is helpful, therefore, to review policies affecting the Town of Kent.

The National Park Service has an active role in Kent's open space system through management of the Appalachian Trail, a continuous hiking trail from Maine to Georgia. The Park Service continues to negotiate with landowners for easements which, in Kent, roughly parallel the Housatonic River.

The State of Connecticut Plan of Conservation and Development is a policy plan for future land use throughout the State. It must be used as a guide when locating State facilities and making other State land use decisions. The Plan's Locational Guide Map designates areas in Kent for "Preservation," "Conservation" and "Rural Development." Kent is not seen as a growth area for urban development.

The Kent Town Plan Update of 1989 contains an excellent summary of the State Plan which need not be repeated here. Pages 50-54 of the update should be consulted for details.

State aquifer protection policies in Public Act 89-305 should be reviewed since the Town is considered to have aquifers (certain underground geologic formations with public water supply potential) of state and regional significance along the Housatonic River. A State study is under way to determine measures to protect land areas above the aquifers. The State's goal is to protect such potential water supplies for use as drinking water without treatment.

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## **Regional Plans and Policies**

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The Northwestern Connecticut Regional Plan of Development, 1987 is an advisory set of policies to guide local decision-making in each member town. These are also summarized in the 1989 Kent Plan of Development Update. Suffice it to say here that emphasis is on protecting resources of regional significance, and farmland and rural town protection generally. Regionally significant resources including aquifers, historic sites, wetlands and watercourses are mapped in the report. These maps were consulted in preparation of this Town Character Study / Open Space plan.

A recently completed Housatonic River Recreation Management Plan was prepared at the request of towns including Kent which serve on the Housatonic River Commission. The report recommends :

- That a canoe and kayak access point be enhanced on the West bank of the River below the Kent School.
- That a suitable access point be investigated at the Route 341 Bridge.
- That a Bulls Bridge task force comprised of representatives of all affected parties be organized to identify a specific program of action for protecting the Gorge, and
- That the Town of Kent utilize its authority to regulate recreational activity and commercial activity through Town ordinance and zoning.

## **Town of Kent Plans and Policies**

### Town Plan of Development:

The Town's official stance toward open space preservation is contained in the 1975 Town Plan of Development and the Update of 1989. Building upon guidelines set in the 1975 Plan, the Plan Update contains the following Goals for the Town:

- To maintain and enhance Kent's small town atmosphere, its diversity of people, housing and employment opportunities, especially as found in Kent's village center. (p.2)
- To preserve Kent's rural character and appearance, especially its open spaces, views and vistas as seen from its system of roads. (p.2)

The Overall Policy for Natural Resources - Open Space in the Plan Update, is:

- To preserve critical water resources, especially drinking water supply sources, unique and fragile environmental features of statewide significance.(p.20)
- To conserve scenic vistas and farmfields. (p.20).
- To direct growth to the least visually and environmentally disruptive sites (p. 20)

Another amendment to the Town Plan has occurred since 1989, one that provides for tax relief on undeveloped parcels of five acres or more. Eligible owners may apply for a lower tax rate with no tax penalty if they keep the land undeveloped for ten years.

#### Planning and Zoning Regulations

Through the subdivision approval process the Planning and Zoning Commission may require the provision of "open spaces, parks and playgrounds ... in places deemed proper by the Commission." (Section 23.8). The Commission may require no more than fifteen percent of the gross area of the subdivision to be reserved for such open space. The land may be owned by a property owners' association or donated to a non-profit conservation organization and must be maintained as open space in perpetuity. Public Act 90-239 allows a town to accept a fee insted of the required open space. The fee must be used to preserve open space, acquire additional open space land or for recreational or agricultural purposes. Using this provision the Planning and Zoning Commission could build up a fund for land acquisition of a useful parcel in a desired location, rather than accept a marginal piece of land in a particular subdivision.





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### **Current Kent Open Space System**

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The Town Plan Update of 1989 describes the open space system as it has changed since 1975. In this report a more detailed listing of permanently preserved open spaces has been compiled and a new Open Space map prepared. State lands account for the majority of the public open space system and take the form of extensive forested tracts with minimal recreation facilities. The Appalachian Trail forms an important linear public open space corridor shadowing the Housatonic River through the Town and linking it with neighboring towns in the region.

Through the generosity of private landowners, several parcels of land have been permanently protected. Land trusts such as the regional Weantinoge Heritage Land Trust have purchased and received donations of land and easements throughout the Town. The newly established Kent Land Trust is expected to be a local preservation force in the future.

Lands of the conservation organizations tend to be smaller parcels in the range of 5 -20 acres in size, scattered about the Town. Parcels obtained in recent years have been as part of land being subdivided for residential use. Land trust efforts have successfully preserved scenic vistas and farm fields. Examples include: Anderson Acres Farm near Lake Waramaug, Conboy Flats farmfields along the south segment of the Housatonic River, scenic vistas along Cobble Brook and at St. John's Peak. Conservation organizations are also responsible for preserving larger natural areas forming nature sanctuaries, including the Pond Mountain Trust, the Iron Mountain Reservation and the Miriam Ellinger Sanctuary. Open space has also been preserved and held for exclusive use of property owners' associations through recent subdivisions. Examples include parcels preserved in the Caleb's View and Stone Fences subdivisions, approved in 1988.

Other lands held largely undeveloped and which contribute to Kent's rural character are in private ownership, held open at the owner's discretion. Since these lands are not considered permanently protected, they are not included on the Open Space map. Such lands include the Schaghticoke Indian Reservation and Connecticut Light and Power Company lands along the Housatonic River, private campgrounds and lands owned by the Girl Scout Council.

**TABLE 1: PRESERVED PUBLIC OPEN SPACE**

Owner / Facility	Acres ( if known)
National Park Service	
Stanley Works, west side of Housatonic River	800
Stanley Works scenic easement, east side of Housatonic River	750
Former CT Light & Power land near Bull's Bridge	146
Extensive additional acreage related to the Appalachian National Scenic Trail	
State of Connecticut: DEP	
Kent Falls State Park	275
Lake Waramaug State Park	96
Macedonia State Forest	2294
Wyantenock State Park and Forest	667
Sloan Stanley Museum	31
Town of Kent	
Emory Park	99
Kent Center School	10



**TABLE 2: PRESERVED OPEN SPACE - PRIVATE OWNERSHIP  
OR EASEMENTS**

Land Trust / Parcel Name	Acres
Weantinogue Heritage Land Trust	
Anderson Acres Farm	124
Conboy Flats (Kent Ridge)	47
Carter Hill Subdivision 1 & 11	52.1
Cobble Brook Vista	152
Cobble Road, Route 7	12
Golden's Pond and Vista, (Chippewalla)	30
Nodine's Pasture, (Chippewalla)	8
Howland Drive Vista	20
Miriam Ellinger Sanctuary	23
St. John's Peak (Mount Maumee)	174
Studio Hill (Woodin Road)	17.6
Triple S (Richards/South Rds)	17
Connecticut Nature Conservancy	
Pond Mountain Trust	770
Iron Mountain Reservation	257
Ore Hill	26
St. John's Ledges (Nature Conservancy)	132
Others	
Kent Land Trust - Zuberry Tract	25
Kent Land Trust - Duggan Road	120
Ministry of High Watch	200
Caleb's View	3
Stone Fences	21

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### **Additional Map Descriptions**

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This entire report contains six maps all of which are useful in understanding the open space resources of the Town and planning for the future. These maps include:

Town Character Study -

- **Containment / Scenic Quality / Ambience**
- **Land Patterns**
- **Town Character**

Open Space Plan -

- **Wetlands and Major Aquifers**
- **Fields** (farmland and agricultural soils)
- **Open Space**

All of these maps should be part of the Open Space Plan and are, therefore, on adoption, to be a part of the Town Plan of Development. The material contained on the first three maps is fully explained within the first section of this report. This Open Space Plan adds three maps which relate more specifically to an understanding of conservation factors. These are as follows:

**Wetlands and Major Aquifers** displays important and potentially sensitive water-related resources in the Town. Wetlands include land submerged, partially submerged and certain soil types designated by the U.S. Conservation Service. They are important as recharge areas for groundwater deposits and as holding areas for excess waters during flood conditions. Wetland soils are regulated by the Conservation Commission. This map is a reworking of data on hand. Any specific determination of wetlands requires more detailed, on-site investigation. Major aquifers mapped include those identified by the DEP as having potentially high or moderate yields.

These include:

- Macedonia Brook north and west of Kent Center (serves Kent School)
- Cobble Brook Valley south from Flanders to Rte. 341
- Flanders north to the Cornwall/Sharon line, and then along the Housatonic. (This potential water source underlies the landfill and former sewage deposit site)
- South of Kent Furnace to beyond Kent Center along the Housatonic (supplies most of Kent Center).

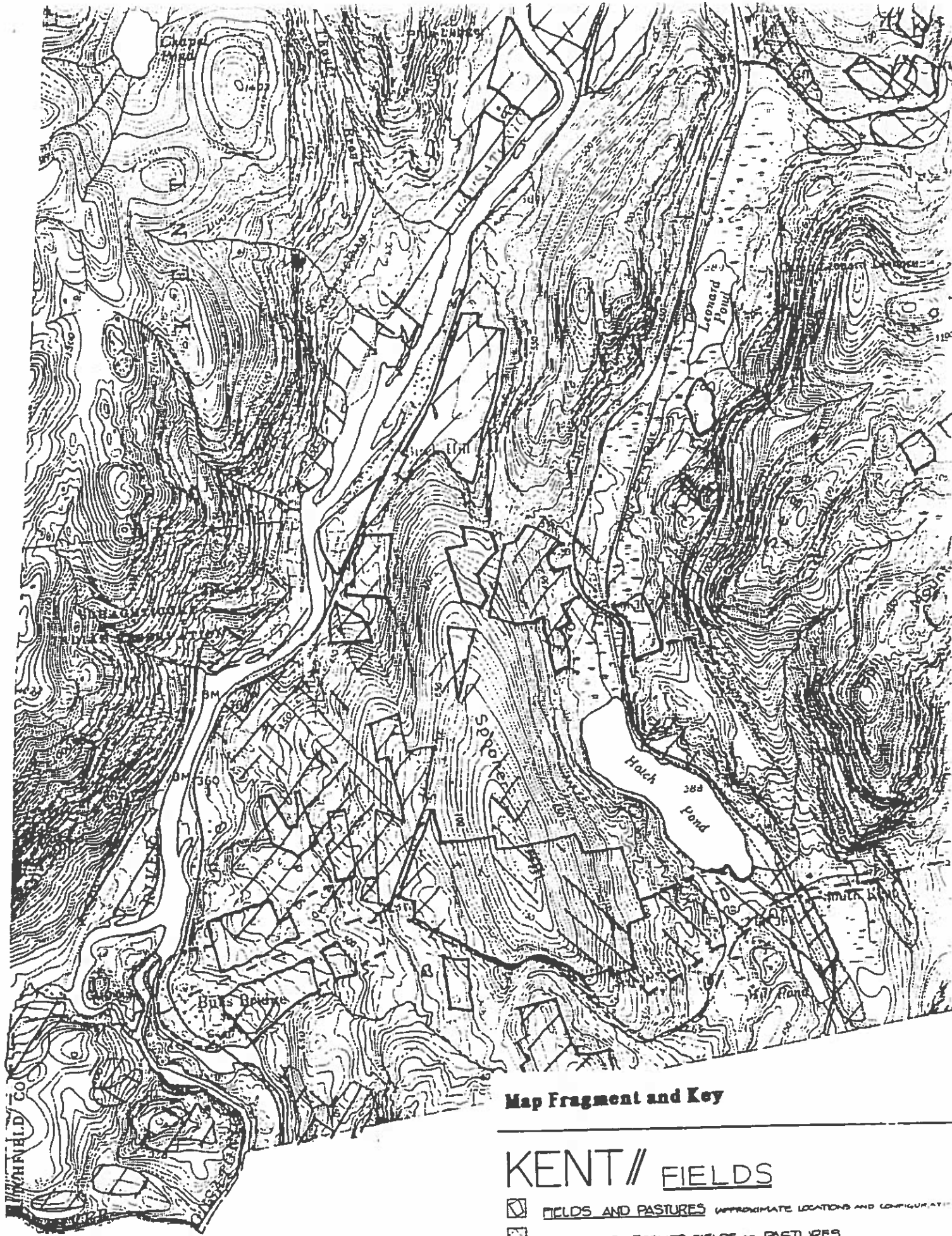
**Fields** displays lands in current farming use or appearance, and prime and important farmland soils identified by the U.S. Soil Conservation Service. The identified fields and farm soils may not currently be in farmland use, and, indeed may be developed and no longer available for farming. Since there may be a need in the future for farming, and since farming is a remnant land use of the Town's past they are important to identify and preserve where feasible.

**Open Space** This map locates and indicates the extent of all known public and semi-public open spaces. The majority of these are open to the public and all are conservation lands which cannot be developed.









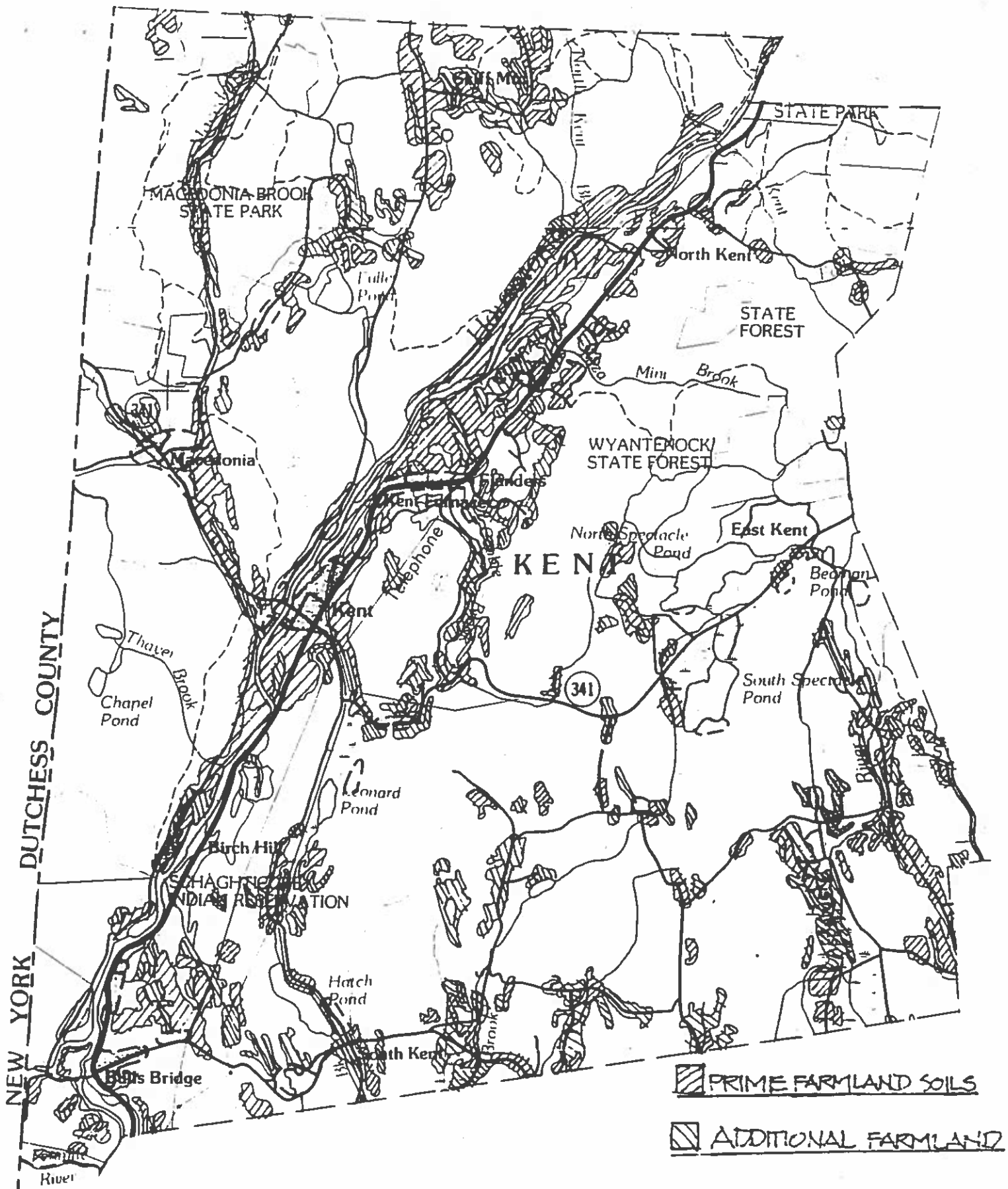




Map Fragment and Key

# KENT// FIELDS

-  FIELDS AND PASTURES (APPROXIMATE LOCATIONS AND CONFIGURATIONS)
-  DEVELOPED, FORMER FIELDS OR PASTURES
-  PRIME FARMLAND SOILS (FROM 1999 363 MAP IN FEAT)
-  (PORTION OF FARM) AND (APPROXIMATE DIMENSIONS)



Copy of portion of US Department of Agriculture / SCS :  
**Important Farmland Litchfield County, May 1979**





Map Fragment and Key

KENT// OPEN SPACE

-  STATE PARKS & FORESTS
-  LAND TRUSTS & OTHER DEDICATED LANDS
-  NATIONAL PARK SERVICE (APPALACHIAN TRAIL)

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## **Recommendations for Future Open Space Preservation**

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### **Criteria for Additional Open Space Designation**

The 1989 Town Plan Goal and Policy quoted above, combined with policies in the 1975 Town Plan should be used as the primary basis for future open space acquisitions and planning. To be consistent with the Town Plan, and this Town Character Study/Open Space Plan, future open space acquisitions should be lands in the following categories:

- Lands contributing to the Town's rural character and appearance, open spaces associated with buffering Kent village and other built-up nodes, views and vistas as seen from Town roads and State highways (see Town Character Selected Areas);
- Critical water resources and associated land areas, especially existing and potential future drinking water supply sources;
- Farmfields, prime agricultural soils and prior farmland as indicated on the Fields map;
- Cultural features as based on Town Character analysis;
- Lands linking existing open spaces in order to create trails and linkages between existing trail systems and to provide wildlife corridors.

The maps in this study identify several areas in the above categories. Where a site meets multiple criteria- for example, containing important cultural and environmental features, its protection will be considered more important than a parcel meeting just one criterion.

Whether open space lands are needed and should be developed for active recreation facilities is a matter for the Parks and Recreation Commission to consider. Certain sensitive environmental resources, inaccessible lands and culturally associated areas do not lend themselves to active recreation.

The existing Town beach is of limited usefulness and another site, other than Emory Park, would be desirable, perhaps at one of the Spectacle Lakes.

The priority lands are compiled in Table 3. They are the most important lands to be permanently preserved as open space when the opportunity presents itself.

**TABLE 3: PRIORITY OPEN SPACE LANDS (new lands or additional safeguards for already protected lands)**

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Acquisitions - First Priority:

- Development rights or use of other mechanism to insure retention of open fields along the Housatonic reaching to Route 7 and defining the gateways to Kent village and other valley nodes.
- Acquisition of a more extensive Town Beach area, perhaps at one of the Spectacle Lakes.
- Scenic easement or development rights to entire Geer Mountain viewshed area (Town Character Selected Area #11)
- Scenic easement or development rights to lower Treasure Hill Road viewshed. (Town Character Selected Area #3)
- Scenic easement or development rights to Tobin Farm area viewshed. (Town Character Selected Area #15)

Acquisitions - Second Priority:

- Completion of protection by scenic easement or development rights of Cobble Brook Valley (Town Character Selected Area #8)
- Acquisition or development rights to the Bulls Bridge Gorge area (Town Character Selected Area #12) This should be developed as a cooperative venture with CL&P as a recreational area which includes a safe river access point (as suggested in the Housatonic River Recreation Plan).

Areas of Possible Critical Land Use Change:

(to be monitored for possible Open Space benefit to Town and to insure that any development is in conformity with Town Character concepts)

- Kent School upper campus
- Camps Francis, Kenmont and Kenwood; Club Getaway
- Preston Mountain Club
- CL&P lands along the Housatonic
- Kent Water Company

Protection Procedures - First Priority:

- Improve planning and subdivision requirements to further protect environmental and cultural values as outlined herein.
- Initiate planning assistance procedures for landowners of parcels deemed critical to the retention of Town Character and land considered environmentally important ( see Planning Assistance below).

Protection Procedures - Second Priority:

- Cooperate with land trust to insure maximum conservation and cultural benefit to the Town by means of combined donation, acquisition, and planning requirements.

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## **Regulatory Techniques and Other Recommendations**

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### **Open Space Policy Statements:**

- Lands on Open Space and Town Character maps and Tables 1, 2 and 3 are hereby incorporated as part of the Town's Open Space Plan.
- Lands to be acquired and preserved as open space when available may be preserved as part of the Town's Open Space Plan through direct Town action and private organization involvement, through fee simple purchase or acquisition of easements.
- Open Space and Town Character maps and Tables 1, 2 and 3 may be amended from time to time and may not be all-inclusive of lands currently or proposed to be part of the Preserved Open Space system or Open Space Plan.
- Costs associated with preserving lands for Open Space may be funded by the Agricultural Land Preservation Fund, and by other public and private fund sources as required.

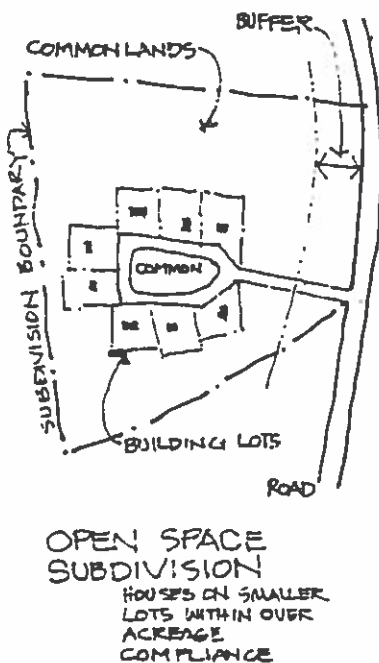
### **Subdivision and Zoning Regulations:**

- Consider implementing Town Plan of Development Update recommendation concerning site plan design review procedure for any development in the Housatonic River Corridor and development which is within 300 feet of a regional or subregional watershed (or ridgeline) boundary (as defined by DEP);
- Consider designation of a Route 7 Greenway entry Overlay Zone). Any Greenway Entry Overlay Zone should include "no build" incentives, deep highway and river bank buffer requirements, extensive building siting requirements with review provisions, minimal driveway and road curb cuts to Route 7, and incentives to protect farm fields.
- Consider requiring information concerning the visual impact of development as viewed from roads within the river valley (see Town Plan Update, Open Space Appendix).
- Consider requiring that cluster provisions within a Housatonic River Overlay Zone be mandatory in the river corridor; the same provisions should be considered for all other viewshed areas identified in the Town Character Selected Area list.

- Consider adding a new "Open Space Subdivision." This would replace the existing Section 7.1.7 Cluster Subdivision. This new provision would incorporate elements of the existing cluster regulation. See Appendix : Checklist for Open Space Subdivision.
- Consider adding to Section 7 of the Zoning Regulations a Rural District defining smaller lot sizes required in Open Space Subdivisions. This would be similar to current reference in Section 7 to Cluster Subdivisions.

#### Open Space Subdivision

- Require location of Priority Open Space Lands and other features identified on the Open Space and Town Character maps and in Tables 1, 2 and 3 to be shown on Site Plans and Subdivision Plans. Recommend that new development be sited to maximize preservation of such lands or their special attributes.
- Add new Open Space definition to Section 2, of Zoning Regulations which is distinct from the existing definition relating to Yards. The new definition should reference farmlands, scenic vistas, sensitive environmental and cultural features, etc. as referenced in Town Plan Update and Town Character Study / Open Space Plan.
- Add to Section 23.8, of Subdivision Regulations an expanded description of Open Space to include farmland, scenic vistas, wildlife habitat areas, ridgelines, and sensitive environmental and cultural features as referenced in the Town Plan Update and Town Character Study / Open Space Plan.



#### Procedural and Plan Review Recommendations:

- In reviewing permit applications, the Conservation Commission and the Planning and Zoning Commission should consult the maps and tables in this report and should encourage preservation of Priority Open Space Lands within the scope of their regulations.
- The Planning & Zoning Commission and the Conservation Commission should review and coordinate their required submission standards for all proposed major subdivision and large area developments to include, but not be limited to the following:
  - \*Air photos of site and surroundings up to a half mile from site
  - \*Standard engineering bases for all environmental, layout and engineering data pertaining to the proposed development.

\* Accurate 1"=100' or 1"=40' scale models of site and abutting lands including nearest Town road.

\* Use of registered Engineer, Landscape Architect and Architect on every project.

- The Town should coordinate a review of all Town maps to avoid future duplication and make better use of what is available.
- The Town should consider the need for preparing an updated composite tax map showing all properties on one map. Preferred scale: 1"= 1000'.
- In reviewing permit applications, the Conservation Commission and the Planning and Zoning Commission should consult the Connecticut Department of Environmental Protection Map showing Areas of Special Environmental Concern on file in Town Hall. If an application involves such an Area, the DEP should be contacted for review of the application and suggestions on protection measures.
- If a parcel within or associated with a Priority Open Space (Table 3) area is subject of an application, the applicant or Town Board should notify all appropriate land trusts so that they can be appraised early of potential open space protection opportunities.

#### Conservation Commission:

- This commission should take a more active role in direct land preservation. It has the statutory authority to acquire land and easements in the name of the municipality and to receive gifts in the name of the municipality.

#### Local and Private Funding:

- The Town can set up a specific fund for planning assistance and agricultural programs through the Agricultural Land Preservation Fund which is provided for in State Statutes. The fund may receive monies from public and private sources. Its expenditures are solely controlled by the town. regionally, it has been established in Goshen.
- Private conservation organizations may also be willing to offer direct planning assistance using private funds and/or the expertise of their members and staff. See also planning assistance under Town Character Study.

#### State Funding:

- The Town may apply for grants-in-aid for acquisition of land or

easements and/or for the development of such land or easements for purposes set forth in s. 7-131c of Connecticut General Statutes. The Conservation Commission may act on behalf of the Town if designated. If the Town has received Development Designation under the Connecticut Housing Partnership Program, it should receive high priority for State open space funding.

#### Public Education:

- The town should continue its practice of sending its Planning and Zoning and Conservation Commission members to training seminars, etc.
- The Town should consider sponsoring an annual "State of the Town" event in which land trusts, Town boards and commissions, and citizens groups convene to discuss land use development and open space trends. For example, study the number and type of subdivisions approved, acreage of open space preserved, new commercial establishments opened, etc. A set of goals for the next year could be developed, which would serve as the benchmark at the following year's event.

#### Role of Land Trusts:

The talents of land trust members can assist the Town through:

- Preparation of a list of owners of Priority Open Space and other Town Character Selected Area Lands. This will facilitate land trusts and other conservation/preservation parties to make appropriate overtures, to insure preservation of key identified parcels.
- Monitoring applications for subdivisions submitted to Planning & Zoning and Conservation Commissions so they can work with potential donors at the earliest opportunity.
- Offering planning assistance to landowners of parcels they would like to preserve in some form, to work with owners to realize financial goals of the landowner and open space goals of the community.

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**OPEN SPACE APPENDICES**


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## Appendix A

**SUBDIVISIONS APPROVED SINCE 1985 ( Mapped )**


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Map #	Name & Location	Year Filled	#of Lots	Acreage
758B - 759B	M. Zukov Carter Road	1989	9	147.4
750B	Cobbleknoll Route 341/Cobble Rd	1989	4	39
747A	Stanley Works Route 7	1989	4	57.6
747B - 753A	St. John's Peak Gotham Road	1989	50	547
762B - 764A	Kent Ridge Route 7	1989	58	159.2
744A	Caleb's View Skift Mountain Rd.	1989	3	23
741A	Triple S Real Estate Richards and South Rds.	1989	14	89
738A	Cobble Pond Acres Chippewalla Rd.	1987	8	70
737A	Cobble Mountain Acres, Chippewalla Rd.	1987	6	71.1
733B	Shido Hill Woodin Rd.	1988	19	132
648B	Camp Kent Assoc. Richards Road	1985	26	161
675B	Clover Farm Geer Mountain Rd / Howland Drive	1986	5	70.6
668B	MacFarlane Route 341 neae Howland Drive	1986	4	11.6
712B	Terry Pat Route 341	1988	6	205.7
678B	Nelson Davis Maple Street Extension	1986	4	4.9
622B	Evats Cobble Lane	1984	3	61
760B	Burnett Treasure Hill	1989	3	101

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672B	Manaase Ore Hill Rd.	1986	4	43.7
710B	Double LL Co. S. Kent Rd.	1988	4	7.2
673B	J. Dobson Beardslev Rd.	c 1987	4	14.6
711B	Albert Lake Waramaug Rd	1988	3	16.5
695A	Mountain Brook Prop Geer Mountain Rd	1987	5	51.8
716B	Richards Richards Rd.	1988	4	42
730A	James Smith Davis Rd	1988	3	9.2
700A	James Smith Davis Rd near Rte 341	1987	4	28.7
647B	Silk Chippewalla Rd.	1986	2	30.5
703B	Stone Fences Route 341	1987	20	111.5
659B	Mazzerolla Route 7	1985	2	5
661B	Workbench Inc. Route 7	1985	6	32
668B	MacFarlane Rte 341 near Cobble Rd.	1986	4	11.6
702B	Advanced Solar Concepts. Davis Rd./Rte341	1987	2	16.9
766A	Carter Hill II	1990	6	62.6
<b>32 Subdivisions</b>			<b>299</b>	<b>2434.9</b>

## Appendix B:

**OPEN SPACE SUBDIVISION (OSS) CHECKLIST**

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Conventional subdivisions set a minimum lot size based on the zoning district and may require up to 15% of the total lot area to be dedicated to open space for recreation or other purposes.

To encourage a more flexible subdivision process, in which more open space is preserved the Town should consider adding an "Open Space Subdivision" (OSS) to its regulations. This concept involves clustering of homes closer together than the traditional zoning district allows and reserving up to 50% of the land for open spaces. Open spaces may include farmland, scenic views and ridgelines, wildlife habitat areas, and other sensitive environmental and cultural features.

Here are items to consider when drafting an open space subdivision:

- **Town Plan of Development**

Should contain policy statement regarding preserving open spaces including farmlands, scenic vistas, ridgelines, sensitive environmental and cultural features, other areas of importance in your town.

Should have an Open Space map showing existing preserved open spaces and lands to be acquired or otherwise preserved as open space in the future. Such lands would include types listed in the policy statement.

Should specify that preserved open space can be in the form of fee or easement to the Town, to a non-profit conservation organization or to a homeowners association.

- **Subdivision Regulations**

[Add Open Space Subdivision]

- **Statement of Purpose**

The purpose of such a regulation is to allow homes to be placed closer together on less area and at the same time preserve a more extensive area of open space, which may be farm fields, woodlands, wetlands, a ridgeline, a scenic view, etc.

Indicate that OSS sites should contain features Town wants to preserve/protect. (So developers don't use it everywhere, which

may not be desirable).

Indicate where OSS would be appropriate - this would be tied to locations on Open Space Map, presumably.

The OSS should be mandatory in certain locations, or under certain situations.

#### •Nature of the Open Space

Set minimum and maximum amount of open space to be preserved (set aside). This is usually expressed in a range, a one-acre minimum and up to 50% of the total lot area as a maximum.

Give Commission discretion in approving which lands are to be preserved - may not want undevelopable wetlands.

Set standards for size and shape of open space to be preserved (optional). This is more relevant if the space being preserved is to be used for active recreation rather than for buffers, scenic vistas, ridgeline protection.

Ensure that open space will be preserved in perpetuity. This can be done by noting on the Town Clerk's plan of record that the open space is not subdividable; and easements can be noted on each deed and land record filed with the Town Clerk.

Provide for maintenance of privately-owned open space through homeowners associations.

Indicate who can receive/manage the preserved open space - Town, non-profit conservation organization, approved homeowners association, individual homeowner.

Subdivision application should show location of any mapped features on Open Space Map or areas listed in Plan of Development policy statement that are on property.

#### •Lot Area, Building Types

Define usable/buildable land for purposes of calculating number of units allowed. Exclude all areas of wetlands, water bodies, steep slopes, and other stipulated exclusions.

Submit two sets of plans: the conventional subdivision and the OSS. This would allow the commission to see how many conventional lots the site would hold.

Provide flexibility in reducing minimum lot size in order to save more open space. Town may want to set a minimum lot size per dwelling unit. Otherwise, you may end up with a project that is totally out of character with existing housing development in the town. Lot sizes should be addressed in the Zoning Regulations.

Set minimum parcel size for the OSS and set upper limit on number of lots and/or dwelling units (optional).

Give density bonus for saving more than required amount of open space (optional).

Specify type of units - some towns may want only detached single-family homes to be consistent with existing housing types (optional).

If apartments and attached townhouses are to be allowed, consider setting limit on number of units per building and how many can be attached to each other (optional).

Set architectural standards, such as roof pitch, siding material, roofline breaks, number of units attached to each other, etc. to achieve compatibility with existing housing (optional).

Note: This checklist was prepared following a review of various Town zoning and subdivision regulations, and consultation of sources including the Center for Rural Massachusetts.[ by LC]

## Appendix C:

# STATE STATUE - CONSERVATION COMMISSIONS

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**Sec. 7-131a. Conservation commissions.** (a) Any town, city or borough, by vote of its legislative body, may establish a conservation commission for the development, conservation, supervision and regulation of natural resources, including water resources, within its territorial limits. The commission shall consist of not fewer than three nor more than eleven members and not more than three alternates, to be appointed by the chief executive officer of the municipality, to serve for terms to be designated by the legislative body establishing the commission. Such alternate members shall, when seated, have all the powers and duties of a member of the commission. The chief executive officer may remove any member or alternate for cause and may fill any vacancy.

(b) A conservation commission shall conduct researches into the utilization and possible utilization of land areas of the municipality and may coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare and distribute books, maps, charts, plans and pamphlets as necessary for its purposes. It shall keep an index of all open areas, publicly or privately owned, including open marshlands, swamps and other from time to time recommend to the planning commission or, if none, to the chief executive officer or the legislative body plans and programs for the development and use of such areas. It may, with the approval of such legislative body, acquire land and easements in the name of the municipality and promulgate rules and regulations, including but not limited to the establishment of reasonable charges for the use of land and easements, for any of its purposes as set out in this section. It shall keep records of its meetings and activities and shall make an annual report to the municipality in the manner required of other agencies of the respective municipalities. The commission may receive gifts in the name of the municipality for any of its purposes and shall administer the same for such purposes subject to the terms of the gift.

(c) A commission may exchange information with the commissioner of environmental protection, and said commissioner may, on request, assign technical personnel to a commission for assistance in planning its overall program and for coordinating state and local conservation activities.

(d) Any town, city or borough may appropriate funds to such commission.

(1961, P.A. 310; 1963, P.A. 490, S. 7; 1969, P.A. 284, S. 1; 1971, P.A. 872, S. 403; P.A. 73-293; P.A. 79-84.)

History: 1963 act amended Subsec. (b) to provide for making recommendations to the planning commission only, if one exists, rather than to the chief executive, legislative body or planning commission; 1969 act included supervision and regulation of resources in duties of conservation commission, required approval of legislative body for acquisition of land and easements and gave power to make regulations, including charges for use of land and easements; 1971 act substituted commissioner of environmental protection for commissioner of agriculture and natural resources in Subsec. (c); P.A. 73-293 changed maximum number of commission members from seven to eleven in Subsec. (a); P.A. 79-84 added provisions for alternate members in Subsec. (a).

Cited. 160 C. 71.

**Sec. 7-131b. Acquisition of open space land and easements. Revaluation of property subject to easement.** (a) Any municipality may, by vote of its legislative body, by purchase, condemnation, gift, devise, lease or otherwise, acquire any land in any area designated as an area of open space land on any plan of development of a municipality adopted by its planning commission or any easements, interest or rights therein and enter into covenants and agreements with owners of such open space land or interests therein to maintain, improve, protect, limit the future use of or otherwise conserve such open space land.

(b) Any owner who encumbers his property by conveying a less than fee interest to any municipality under subsection (a) of this section shall, upon written application to the assessor or board of assessors of the municipality, be entitled to a revaluation of such property to reflect the existence of such encumbrance, effective with respect to the next-succeeding assessment list of such municipality. Any such owner shall be entitled to such revaluation, notwithstanding the fact that he conveyed such less than fee interest prior to October 1, 1971, provided no such revaluation shall be effective retroactively.

(c) Any owner aggrieved by a revaluation under subsection (b) of this section may appeal to the board of tax review in accordance with the provisions of sections 12-111 and 12-112 and may appeal from the decision of the board of tax review in accordance with the provisions of section 12-118.

(1963, P.A. 490, S. 6; 1971, P.A. 73.)

History: 1971 act added Subsecs. (b) and (c) re revaluation of property.

See Secs. 12-107a and 12-107b re open space land.

Cited. 178 C. 295, 297, 303.

**Sec. 7-131c. Open space land. Definitions.** As used in sections 7-131c to 7-131k,

(a) "Recreational and conservation purposes" means use of lands for agriculture, parks, natural areas, forests, camping, fishing, wetland preservation, wildlife habitat, reservoirs, hunting, golfing, boating, swimming, snowmobiling, sanitary land fill, historic and scenic preservation and other purposes as set forth in section 7-131b;

(b) "Land" or "lands" means real property, including improvements thereof and thereon, and all estates, interests and rights therein of any kind or description, including, but not limited to, easements, rights of way and water and riparian rights;

(c) "Open space land" refers to any land acquired under the provisions of sections 7-131c to 7-131k, inclusive;

(d) "Municipality" means any town, city or borough, or other political subdivision of the state, or public authority authorized by law to acquire and hold land for recreational and conservation purposes whose territorial limits or jurisdiction is not wholly contained within the territorial limits of a town, city or borough.

(1963, P.A. 649, S. 1; February, 1965, P.A. 368, S. 1; 574, S. 3, 1971, P.A. 842, S. 1.)

History: 1965 acts added to definition of "municipality" political subdivisions of the state and public authorities authorized to acquire and hold land and corrected internal reference; 1971 act included swimming, snowmobiling and sanitary landfill uses in definition of "recreational and conservation purposes".

Cited. 168 C. 466.

**Sec. 7-131d. Grant-in-aid for open space land acquisition or development.** Any municipality or group of contiguous municipalities may apply to the commissioner of environmental protection for a grant-in-aid of a program established to preserve or restrict to conservation or recreation purposes the use of open space land. Such grant shall be used for the acquisition of land, or easements, interests or rights therein, or for the development of such land, or easements, interests or rights therein, for purposes set forth in section 7-131c, or both, in accordance with a plan of development adopted by the municipal planning commission of the municipality within which the land is located. Any application for a grant-in-aid relating to land located beyond the territorial limits of the applying municipality shall be subject to approval of the legislative body of the municipality within whose territorial limits the land is located. A municipality applying for aid under sections 7-131c to 7-131k, inclusive, may designate its conservation commission as its agent to make such application.

(1963, P.A. 649, S. 2; February, 1965, P.A. 367, S. 1; 1971, P.A. 842, S. 2; 872, S. 404; P.A. 78-359, S. 1, 8.)

History: 1965 act added requirement that grant-in-aid application concerning land beyond municipality's territory be approved by municipality where land lies and specified plan of development be in accordance with plan adopted by planning commission of municipality within which land is located, deleting restriction that municipalities may apply only for grant involving the use of land in their own towns; 1971 acts included improvement of land, easements, etc. for purposes of Sec. 7-131c in uses of grants and substituted commissioner of environmental protection for council on agriculture and natural resources; P.A. 78-359 substituted use of grants for "development" rather than "improvement" of land, easements, etc.

**Sec. 7-131e. Applications for grant.** (a) Open space grants-in-aid shall be approved by the commissioner of environmental protection.

(b) Said commissioner shall prescribe an application form and may require supporting maps, data, title searches and appraisals as he so determines.

(c) All applications shall be approved by local planning agencies and conservation commissions, where they exist, prior to submission. All applications shall be submitted to the regional planning agency, if any, whose area of operation includes the location of the land for which open space grant-in-aid is requested. The regional planning agency shall study the application and render an advisory report of its findings and recommendations thereon to the applicant who shall submit such regional planning agency report with its application to the commissioner. The regional planning agency shall have thirty days to render such report. If it fails to report or if there is no regional planning agency, the applicant shall so note to the commissioner. The regional planning agency may designate its executive committee to act for it under this section or may establish a committee for this purpose.

(1963, P.A. 649, S. 5; 1969, P.A. 628, S. 16; 1971, P.A. 872, S. 405.)

History: 1969 act clarified provisions regarding preliminary approval, reports concerning and disposition of applications; 1971 act substituted commissioner of environmental protection for council on agriculture and natural resources.

**Sec. 7-131f. Considerations in approving grants.** In making grants-in-aid for open space land acquisition or development the commissioner of environmental protection shall: (a) Seek to achieve a reasonable balance among all parts of the state in the relative adequacy of present areas devoted to recreational and conservation purposes and the relative anticipated future needs for additional areas devoted to recreational and conservation purposes; (b) give due consideration to the special park requirement needs of urban areas; (c) wherever possible, give priority to land which will be utilized for multiple recreational and conservation purposes; (d) give due consideration to coordination with the plans of departments of the state and regional planning agencies with respect to land use or acquisition and (e) give primary consideration to the needs of municipalities that have formed local housing partnerships pursuant to the provisions of section 8-336f.

(1963, P.A. 649, S. 4; 1971, P.A. 872, S. 406; P.A. 79-607, S. 7; P.A. 88-305, S. 2, 4.)

History: 1971 act substituted commissioner of environmental protection for council on agriculture and natural resources; P.A. 79-607 included grants for development; P.A. 88-305 added Subdiv. (e) re consideration of needs of municipalities that have formed local housing partnerships.

**Sec. 7-131g. Amount of grant.** (a) Subject to the provisions of sections 7-131c to 7-131k, inclusive, the commissioner of environmental protection may (1) where a federal grant is also made, approve grants to municipalities of one-half of the nonfederal share of open space land acquisition or development costs, (2) where a federal rehabilitation or innovation grant is made to a municipality under the Urban Park and Recreation Recovery Act of 1978 (P.L. 95-625, 92 Stat. 3538), approve a grant to such municipality not to exceed fifteen per cent of the total project cost of such development or rehabilitation and (3) where a federal grant is not made, may approve grants to municipalities of forty per cent of such land acquisition or development costs.

(b) The cost of land, for determination of a state grant hereunder, shall be determined by one or more appraisals made or obtained by the state and shall not include incidental costs, such as surveying and closing costs or costs of development thereof. When a municipality receives a gift of land as a portion of the total value of the property, the appraised value of said gift of land shall be subtracted from the nonfederal share for determination of a state grant. Such information as may be required for determination of any such grant with respect to development costs shall be submitted in accordance with regulations prescribed by said commissioner.

(c) Any application for a grant-in-aid under sections 7-131c to 7-131k, inclusive, which was received and approved by the commissioner of environmental protection prior to July 1, 1978, shall be administered in accordance with the terms and conditions of the open space statutes in effect prior to that date.

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## REFERENCES

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### **Town Character**

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