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*By Darlene Brady at 9:18 am, Jun 16, 2023*

**TOWN OF KENT**  
**PLANNING AND ZONING COMMISSION**  
41 Kent Green Boulevard, P.O. Box 678, Kent, CT 06757

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**SPECIAL MEETING MINUTES**

The Planning and Zoning Commission held a special meeting via zoom on Thursday, June 15, 2023, beginning at 7:00 p.m.

**1. CALL TO ORDER**

Mr. Winter called the meeting to order at 7:01 p.m.

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

Commissioners Present: Matthew Winter, Chairman; Karen Casey, Shelby Green, Chris Harrington, Anthony Palumbo

Staff Present: Tai Kern, Land Use Administrator  
Donna Hayes, Assistant Land Use Administrator

Guest Present: Glenn Chalder

Mr. Winter elevated Mr. Harrington and Mr. Palumbo to voting status.

**3. BUSINESS**

Mr. Winter turned the discussion over to Mr. Chalder who gave a quick update on where the process was at this point in time.

**3.A. Review of proposed Zoning Regulations amendments & possible recommendation to public hearing:**

**1. Accessory Dwelling Units**

With regard to section 3000, Mr. Chalder advised the Commission that the permitting process can be located under section 6000. Mr. Chalder said that the issue that was talked about at the last meeting was applying a deed restriction. He said that he was able to do some research into what is normally required and added appropriate language. With regard to verifying if the occupant meets the qualification of affordable housing, Kent Affordable Housing can handle that

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verification of the process. Mr. Chalder also added wording on the deed restriction which does not need to be included in the regulation, but something that could be used as a sample of added verbiage.

Mr. Winter asked if the Commission had any comments. Mr. Palumbo suggested that section 6200.6.d. be changed to read “not be”. Ms. Green asked about the difference between a guest house and an accessory dwelling unit. Mr. Chalder explained that the difference is whether or not kitchen facilities are available.

Ms. Casey said that she had a question on the fact that ADUs cannot be rented for less than 30 days. She believes that this would no longer be beneficial to property owners who are currently renting them. Ms. Green said that there are many communities who are restricting short-term rentals. It might be advisable to discuss the values and negative consequences of short-term rentals. Ms. Casey said that she did not know of any state statute that prohibits short-term rentals. She agreed with Mr. Winter regarding making them deed restricted. Ms. Kern said that she was glad that short-term rentals were being discussed since it has become a hot topic over the past several months. Mr. Chalder suggested eliminating “Neither the principal dwelling or any accessory dwelling unit enabled by the regulations shall be used for short-term occupancy (less than 30 days)” and let that section start with the words “No affordable dwelling unit...”. Mr. Chalder said that this is a great discussion, but one that should be discussed at a later time especially since many discussions are taking place in multiple towns where some like short-term rentals and some don’t. Ms. Kern asked if mentioning short-term rentals would possibly allow them. Mr. Chalder said that he would feel better if Atty. Zizka answered that question. Mr. Winter agreed with Mr. Chalder’s suggestion.

Mr. Winter asked about the enforcement aspect under sections 3 and 4. Mr. Chalder said that “enforcement penalties available under the law” is referring to the section 8-12 of the state statutes which is minimal at best. He continued that he had conversations with Ms. Kern about a proposed ordinance regarding fining.

With regard to #8, Mr. Winter said that he would prefer a 10-year period with the ability to renew. Mr. Chalder said that he agrees with that language.

With regard to the median income, Mr. Winter asked how quickly those incomes will be growing to the point where the renter is no longer qualified to receive the reduced rental. Mr. Chalder said that HUD updates those numbers once a year which can be held by Kent Affordable Housing. He also referred Mr. Winter to section 10 which speaks to annual verification. Mr. Chalder said that could end up being a policy decision for the Commission and he said that he did not think the Commission would want to evict someone who exceeds the income limit. Ms. Casey asked if any contracts or agreements are signed by the tenant. Mr. Chalder said that they do and referred her to the language regarding documentation filed on the land records.

Ms. Suttman said that current affordable housing tenants have their salaries checked every year. She continued that the median income for Litchfield is now between \$90K and \$100K and in most cases they do not want to live in apartments that are affordable. Mr. Winter asked Ms. Suttman if most of the people in affordable housing age out before earning out. She said that she did not have that information. Mr. Chalder referred those present to section 9.B. which could be changed to reflect the size of the units to be affordable. He continued that the Commission might have to address issues where the current renter “squats” on the property. Mr. Chalder asked Mr. Potter if KAH would be willing to check that the rental rate is still appropriate to those units still deemed affordable. He said that they would. Mr. Winter said that he was in agreement with Mr. Potter’s comment that it was a philosophical discussion, but not in agreement with checking the rentals. Mr. Potter’s said that KAH realizes that there will be some difficult conversations to be had on a yearly basis. Ms. Suttman suggested that Mr. Chalder create wording that ties the increase of the salary with the increase in the market rental cost.

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Mr. Winter asked Mr. Chalder if he had enough information to move forward. He said that there was some information missing in number 10, but they could always have another special meeting. Mr. Chalder said that he liked Ms. Suttman's suggestion and asked Mr. Winter how he would like to proceed. Mr. Winter said that he would like to move forward to public hearing in August and suggested some additional changes. Mr. Chalder said that he would like to change "January" to "April" in #10.

Mr. Winter asked for additional comments from the Commission. Hearing none, the following motion was made:

*Ms. Casey moved to go to public hearing in August with the changes incapsulated at this meeting. Mr. Palumbo seconded and the motion carried unanimously.*

## 2. Conservation Development

Mr. Chalder said that he had received information from Ms. Lord and Mr. Osborne. Mr. Chalder said that trying to manage provisions for a conservation development in 4 different sections of the regulations was not necessary and suggested creating one single regulation encompassing all of the differences. He then discussed the suggested changes.

With regard to section 6730, Mr. Chalder felt this should be something that the Commission discuss. He directed the Commission to #2 which discusses proportionality of the open space. Number 3 allows the applicant to come before the Commission for a special permit exception with regard to the proportionality requirement. Mr. Chalder said that he would like to have this discussion with the full Commission since some of the members who were concerned about this were not at this meeting. The other topic to be discussed would be the minimum number of the lots.

With regard to the development standards, Mr. Chalder added information regarding a "buffer" zone in addition to the setback.

Mr. Chalder said that he got information with regard to the roadway build standards from Ms. Lord and Mr. Osborne. Based on that information, Mr. Chalder created wording that was agreeable to both.

Based on comments made by those present, Mr. Chalder suggested that this discussion be tabled until next month. Mr. Winter agreed and felt that what Mr. Chalder created was a good middle approach that strikes a good balance. His only question was how does this work with the rewrite of the subdivision regulations especially with regard to open space/density. Mr. Winter said that currently there was no incentive to go to a conservation subdivision in the VR zones. Mr. Chalder said that section 5 of the current subdivision regulations discusses conservation subdivision. He explained that subdivision regulations are mostly geared toward consumer protection; the zoning regulations would dictate the size of the lots and the setbacks to name a couple. Mr. Chalder said that the legislation allows the towns to put conservation subdivisions in either the subdivision regulations or in the regular regulations. He feels they should be included in the regulations; this can be changed at a later date. Ms. Green, Ms. Casey, Mr. Harrington and Mr. Palumbo agreed with both Mr. Winter and Mr. Chalder that this be discussed when there is a full commission.

Mr. Chalder added that this could be a denser approach toward development by creating more open space. He said that he believes that developers would appreciate this type of approach due to the fact that it would reduce the infrastructure costs associated with the development. For clarity, Mr. Chalder said that this would be the same number of structures, just on a smaller area allowing for more open space.

Ms. Kern asked the Commission what they wanted on their 8/20 meeting agenda. Mr. Winter clarified that the moratorium on subdivisions and the public hearings will be on the regular July agenda. Mr. Winter asked if the members

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would like to take some time off during the summer. Ms. Casey said that she could go with either spacing the meetings out or taking some time off. It was decided that this will be discussed with the entire Commission before making a decision.

#### **4. ADJOURNMENT**

*Ms. Casey moved to adjourn at 8:25 p.m. Mr. Harrington seconded and the motion carried unanimously.*

Respectfully submitted,

*Donna M. Hayes*

Donna M. Hayes, CZEO  
Assistant Land Use Administrator

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