



RECEIVED

By Darlene Brady at 11:51 am, May 12, 2021

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

The Planning and Zoning Commission held a special meeting on Thursday, May 6, 2021 at 7:00 p.m. via zoom.

1. CALL TO ORDER

Mr. Winter called the meeting to order at 7:03 p.m.

2. ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED

Commissioners Present: Matthew Winter, Chairman; Karen Casey, Darrell Cherniske, Alice Hicks

Staff Present: Donna M. Hayes, LUA

3. NEW BUSINESS:

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

- 3.A.1.** Application #22-21RC, John McPhee, proposed changes to Section 4124.26 of the Town of Kent Zoning Regulations dated February 16, 2020, with regard to the conversion of existing buildings for residential uses.

Mr. Winter read the public notice into the record and opened the hearing at 7:07 p.m. to discussion. He also read into the record responses from both the WestCog and NHCOC with regard to the proposed changes. Both organizations had no issues with the new regulation and felt that there will be minimal intermunicipal impact or no apparent conflict with regional plans and policies or known concerns of neighboring towns.

Mr. Winter asked if there were any comments from either the general public or the Commission and hearing none, he explained that there was back and forth conversations on this particular application over the past several meetings and believes that this change will do what was intended.

Mr. Cherniske moved to close the public hearing at 7:11 p.m. Ms. Hicks seconded and the motion carried unanimously.

During discussion Ms. Hicks asked if the word "adequate" was too vague. Mr. Winter replied that the parking regulations will be used to determine what was "adequate". Ms. Hicks agreed.

TOWN OF KENT PLANNING AND ZONING COMMISSION
SPECIAL MEETING MINUTES FOR MAY 6, 2021

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Ms. Hicks made the following motion:

RESOLVED: *That the Kent Planning and Zoning Commission make the following changes to Section 4124.26 of the Town of Kent Planning and Zoning Regulations dated February 16, 2020:*

Changes to Section 4124.26

FROM:

Adaptation of an existing building or buildings for multi-family residential use subject to the following provisions:

- a. There shall be at least 4,000 square feet of lot area for each dwelling.*
- b. No proposed development shall be approved unless connected to the Town sanitary sewer system.*
- c. Adequate provision shall be made for the collection and disposal of garbage and refuse and such facilities shall be in conveniently located areas, enclosed and visually screened from view.*

TO:

Adaptation of one or more existing buildings and/or structures for residential use including multi-family residential uses subject to the following provisions:

- a. There shall be at least 4,000 square feet of lot area for each dwelling unit.*
- b. No proposed adaptations nor any additional associated development shall be approved unless connected to the Town sanitary sewer system.*
- c. Adequate provision shall be made for the collection and disposal of garbage and refuse and such facilities shall be in conveniently located areas, enclosed and visually screened from view.*
- d. Adequate arrangements shall be made for parking.*

In adopting the above, the Commission states on its record that, in the Commission's judgement, the proposed amendment satisfies the factors the Commission must consider in reviewing such amendments as set forth in the Plan of Conservation and Development and the Zoning Regulations of the Town of Kent.

Adopted by the Kent Planning and Zoning Commission this May 25th, 2021.

Mr. Cherniske seconded the motion.

During discussion it was noted that the word "adaption" should be changed to "adaptation".

Ms. Hicks accepted the modification to her original motion. Mr. Cherniske seconded the modification and the motion carried unanimously.

- 3.A.2.** *Proposed changes to Section 3124 of the Town of Kent Zoning Regulations dated February 16, 2020, with regard to the addition of #10, conservation developments and the addition of new Section 6700, VR-1 and VR-2, Conservation Development Standards.*

Mr. Winter read the public notice into the record and opened the public hearing at 7:24 p.m. He then read into the record determinations from both the NHCOG and WestCOG with regard to this proposed change to the regulations. Both organizations felt that there were no apparent conflicts with the regional plans and policies or the known concerns of neighboring towns and that the proposal is of local interest and with minimal intermunicipal impact.

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Mr. Winter then asked for public comment. Mr. Paul Szymanski, P.E., of Arthur H. Howland & Associates gave a brief recap of the proposal.

Mr. Jos Spelbos said that based on the information he learned from previous meetings, he feels it is good to have smaller lots and some flexibility in layout and also setting some important land aside. On the other hand, it could only apply to 2 separate lots within the proposed area. Mr. Spelbos said that he would hate to see the piece of property on the northern gateway developed and asked if there could be smaller lots with more land kept reserved for views. He suggested approval of the in-town lot be approved with more affordable lots and less conservation.

With regard to the proposed Section 6700, he questioned what would be involved with regard to conservation. He questioned if the new lots could be half of what is allowed now. Mr. Winter agreed. Mr. Spelbos asked about PUD's or common interest development and the ability to put 40% in open space. He continued by saying that this looks like "green washing" or "spot zoning". Mr. Winter disagreed. He explained the basics of the proposal to Mr. Spelbos. Mr. Spelbos asked if the roads could be narrower and Mr. Winter said they could but that they will be required to be designed based on the DOT standards and meet the minimum turning radius for emergency vehicles.

Mr. Spelbos asked what would happen to those parcels that lie in both the VR-1, VR-2 and Rural District. Would it not apply to those districts? He stated that after the 440 contour, the parcel becomes rural. The regulations address the 440 contour and the flood plain enough to handle this type of situation.

Mr. Spelbos asked if the subdivision regulations were being changed as well and, if not, suggested that they be changed as soon as possible. Mr. Winter replied that it was Mr. Chalder's recommendation that we not change the subdivision regulations based on these proposals.

Mr. Spelbos asked if the application would be a special permit/public hearing process. Mr. Winter replied that it would. With regard to the open space requirement, Mr. Spelbos asked that the Conservation Commission be advised and be able to make a recommendation. He asked if there was a requirement for the open space to be public space. Mr. Winter said no and continued that there is no requirement in the rural district. It would be up to the developer to make the decision. Mr. Winter said that the public hearing process would allow the public to have a robust discussion during the application discussion.

There being no more comments Mr. Cherniske moved to close the public hearing at 7:47 p.m. Ms. Hicks seconded and the motion carried unanimously.

Mr. Winter asked that 3124.10.g. be changed to read: "Subject to review by the Commission, community facilities to be utilized by the owners within the associated development may be approved." The Commission agreed.

Mr. Winter asked that 3124.10.f. be changed to read: "The development shall be served by public sewer and underground utilities." The Commission agreed.

With no further comments from the Commission the following motion was made:

Ms. Hicks moved to approve the proposed changes to the Town of Kent Planning and Zoning Regulations dated February 16, 2020 by adding Section 3124.10 with regard to conservation developments and a new Section 6700 with regard to VR-1 and VR-2 Conservation Development Standards as amended during discussion; specifically that section 3124.10.f shall now read: "The development shall be served by public sewer and underground

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utilities." And Section 3124.10.g. shall read: "Subject to review by the Commission, community facilities to be utilized by the owners within the associated development may be approved." Mr. Cherniske seconded and the motion carried unanimously.

ADJOURNMENT

The meeting adjourned at 7:53 p.m.

Respectfully submitted,

Donna M. Hayes

Donna M. Hayes, CZEO
Land Use Administrator

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TOWN OF KENT LAND USE OFFICE

RESOLUTION OF APPROVAL

RESOLVED: That the Kent Planning and Zoning Commission make the following changes to the Town of Kent Planning and Zoning Regulations dated February 16, 2020:

ADD:

Section 3124.10

Conservation developments, in accordance with Section 6700, may be permitted subject to the following provisions:

- a. Applicable on a subdivision of five (5) lots or more or a parcel of land which is ten (10.0) acres or larger.
- b. Maximum number of lots shall be calculated by:
 - a. The applicant shall divide the total area in square feet by the minimum lot size of 5,000 square feet in the VR-1 Zone and 15,000 square feet in the VR-2 zone.
 - b. The resulting sum shall be multiplied by 0.85 to reflect the open space set-aside requirement in the subdivision regulations.
 - c. The result of this calculation shall be the maximum number of lots permitted in the Conservation Development.
- c. Unless modified by the Commission, a minimum of 40 percent of the Conservation Development area shall be preserved as open space, preferably in one continuous parcel. The open space shall be deeded to the Town, a land trust or other conservation organization, or a homeowner's association if acceptable to the Commission. Priority for open space designation shall be given first to Primary Conservation Areas and secondarily to Secondary Conservation Areas as designated in Section 6700.
- d. The number of units permitted in a Conservation Development may be laid out as:
 - a. a subdivision of lots,
 - b. as a common-interest-ownership community with detached units on common land or with multiple units in one or more structures, or
 - c. as a planned unit development.
- e. Roads within the Conservation Development may be public or private. Roads shall be constructed to conform to Town specifications and requirements to the greatest extent practical and in accordance with, at a minimum, the 2001 AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT < 400), 2001 or as amended. Turning templates shall be provided to demonstrate suitable access for emergency vehicles including but not limited to ambulance and fire apparatus.
- f. The development shall be served by public sewer and underground utilities.
- g. Subject to review by the Commission, community facilities to be utilized by the owners within the associated development may be approved.

(continued on page 2)

ADD:

Section 6700 VR-1 AND VR-2 CONSERVATION DEVELOPMENT STANDARDS

Section 6701 Purpose and Intent

Conservation development within the VR-1 and VR-2 Zone is intended to encourage preservation of open space, farmland and farmland soils, and community character, encourage variation in the village residential developments that would not otherwise be possible; to encourage or require the use of flexible site design so that development will be constructed in harmony with natural resources and the natural capability of the land.

Section 6702 OVERALL DESIGN OF DEVELOPMENT

1. Unless not required by the Commission, any application for a Conservation Development per Section 3124 shall include a site inventory / analysis map prepared by a qualified professional (including, but not limited to, a landscape architect, civil engineer, or surveyor licensed to practice in Connecticut) and such site inventory / analysis map shall identify:
 - a. Primary Conservation Areas – important environmental resources such as:
 - watercourses,
 - wetlands,
 - vernal pools,
 - steep slopes (25 percent or more), and
 - 100-year floodplain.
 - b. Secondary Conservation Areas - environmental, scenic, and cultural resources such as:
 - prime farmland soils and farmland soils of statewide significance,
 - existing farm fields and farm structures,
 - areas within 100 feet of existing streets or roads (including State highways),
 - areas within 50 feet of a wetland or within 100 feet of a watercourse or vernal pool,
 - 500-year floodplain,
 - ridgelines, scenic views and vistas,
 - areas identified as “town character areas” in the Kent Character Study (copy available at Town Hall),
 - Natural Diversity Database sites or wildlife corridors,
 - notable individual trees (>18” diameter measured four feet above ground level) and/or mature woodlands,
 - stone walls and /or farm hedgerows, and
 - possible open space and trail connections between conservation areas on the site and adjacent protected and unprotected open space.

Section 6703 DEVELOPMENT STANDARDS

Minimum Square	100 feet	
	VR-1	VR-2
Minimum Front Yard Setback	20 Feet	20 Feet
Minimum Side Yard Setback	10 Feet	10 Feet
Minimum Rear Yard Setback	30 Feet	30 Feet
Maximum Coverage		
• Principal Building	20 %	15 %
• Principal Building and Accessory Buildings	25 %	20 %
Maximum Building Height		
• Principal Building	30 Feet	30 Feet
• Accessory Buildings	25 Feet	25 Feet

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