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*By Darlene Brady at 10:40 am, Oct 18, 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 on Monday, October 16, 2023, beginning 6:30 p.m. via zoom.

**1. CALL TO ORDER**

Mr. Winter called the meeting to order at 6:30 p.m.,

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

Commissioners Present: Matthew Winter, Chairman; Darrell Cherniske, Chris Harrington, Alice Hicks (until 8:00 p.m.), Shelby Green, Adam Manes, Anthony Palumbo,

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

Guest Present Glenn Chalder, Planimetrics

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

**3. BUSINESS:**

Mr. Winter turned the meeting over to Mr. Chalder. Mr. Chalder informed the Commission that the Land Use Office had received comments from Mr. Osborne, Ms. Lord and Atty. Zizka that he will review and continue that discussion to a future meeting.

**3.A. Review of Draft Subdivision Regulation Revision**

Mr. Chalder told the Commission that his goal is to tailor the regulations to what Kent is likely to experience and to bring the regulations up to current statutory level. He continued that no changes were made after last month's meeting because he wanted the Commission to review the draft once again and that he plans to include the comments that were submitted as noted above.

There were no questions or comments on page 1 or page 2. Mr. Chalder said that he had a discussion on section 1.E.

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with Atty. Zizka with regard to Planning being able to waive the subdivision regulations. He continued that he would prefer to discuss it further once his conversation with Atty. Zizka was sorted out.

**Section 2:** Mr. Winter noted for the Commission that the requirements mentioned Page 2.a.1 are the minimum requirements unless it is clearly indicated that such provisions are intended to be a maximum limitation. Mr. Winter also noted that #3 should be removed since there was no information. There were no comments on page 6; and Mr. Chalder noted the change to the definition of “financial guarantee”. Mr. Chalder asked the Commission if they had a preference between “road” and “street”; after discussion, it was noted that there was no preference. Ms. Hicks asked where reference was made to the word “easement”; Mr. Chalder replied that they are scattered throughout the document. Atty. Zizka had noted that there were two definitions of “private road” which will be merged. There were no other comments on this section.

**Section 3:** With regard to land suitability, Mr. Harrington asked if there were state standards that need to be adhered to. Mr. Chalder said that there were not but there are exceptions such as the regulations administered by Torrington Area Health District. Mr. Winter noted the different language in 3.B.1. Mr. Chalder replied that Atty. Zizka had concerns about the language. Mr. Chalder noted that the Commission can use other organizations/commissions for input and while there is a regulation regarding Conservation Development, it will be carried into the zoning regulations instead of subdivision regulations. With regard to #5 and the wording “not an approved building lot”, Mr. Chalder strongly encourage that the lot not be created but should be absorbed into an adjoining lot and said that he is currently working on the language with Atty. Zizka. Mr. Winter asked if there was a difference between parcel and lot? Mr. Chalder answered that a “lot” is something that is buildable while a “parcel” is the parent piece of land or something not buildable. With regard to section 3.D., Mr. Manes asked whose choice it was; the applicant or the Commission. Mr. Chalder said that the word “may” allows for conversation with the applicant as does the wording “at least 15% of the total area”. There was a discussion on “proportionality” which sets a baseline of the personality of the land to be preserved. Mr. Chalder referred the Commission to the box located on page 15. Mr. Chalder asked if the Commission would ever consider the Town as a recipient as open space. Currently, the Town is not mentioned in the regulation, but non-profit conservation organization like KLT or neighborhood associations are. Mr. Chalder said that the Commission could consider including the Town of Kent and they can accept or reject deferring the choice to a non-profit conservation organization or neighborhood association. Mr. Harrington said that he likes the idea of Town being included. Mr. Chalder will add the Town in this section and other sections that might apply. With regard to 6.d. on page 17 Mr. Chalder will look at the change in statute that might apply to conservation uses. Mr. Chalder said that there are new soil erosion and sediment control regulations created by the State which are to be effective sometime in 2024. Mr. Chalder will verify the effective date and act accordingly.

**Section 4:** Mr. Chalder said that Mr. Osborne raised the question about whether or not Kent wants to allow private roads. He continued that some towns encourage private roads so that the town does not have to maintain them and some towns do not want private roads. Some towns require private roads to still be built to Town’s standards. Mr. Chalder said that he thinks this comment merits further conversation on private or town roads. Mr. Winter asked if the Commission could require that money be put into account for future upgrades if Town needs to take it over. Mr. Chalder reminded the Commission that they cannot require financial guarantees. He continued that he would explore what other towns are doing regarding this and would prefer to leave this open for discussion. Mr. Osborne said that he will speak with Denise regarding the construction specifications. Mr. Chalder noted that there are two provisions to be considered when designing a cul de sac; one would be considered a temporary dead end which will remain a dead end until it is decided to join the road to an adjoining roadway. He considers that too suburban and suggested that the Town stick with just a cul de sac. He asked if the Commission would have a preference with regard to the length of dead end road and noted that some towns limit the length or number of houses before connecting to another street. Mr. Winter noted that the diagram needs to be changed on page 23 showing that no more than two lots shall have entry into the turnaround. Mr. Chalder noted that Atty. Zizka commented that 4.b.1. should not be included in the subdivision regulations and would be best as an ordinance or regulation. There were no major comments on 4.E. Mr. Chalder noted that Ms. Lord updated the rainfall intensities and provided a reference source. Atty. Zizka has some

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info on 4.g.1. suggestions.

**Section 5:** Mr. Winter suggested that Mr. Chalder rely on Ms. Kern and Ms. Hayes with regard to sections 5 and 6. Mr. Chalder noted that he will work with Atty. Zizka on his comments and will work with Ms. Kern and Ms. Hayes to include marked up comments.

**Section 7:** With regard to section 7.E.3., Mr. Osborne had comments on how a Certificate of Occupancy can be issued until the road is done. Mr. Chalder said that Atty. Zizka did not agree with his section since the Certificate of Occupancy is tied to the zoning regs and not subdivision regs. He continued that he will to work with Atty. Zizka.

With no further comments from the Commission, Mr. Chalder said that he proposes to organize the comments from Mr. Osborne, Ms. Lord and Atty. Zizka and report back to the Commission. Mr. Winter noted that there were new comments sent in this afternoon that he had not reviewed. Mr. Chalder said that he will look at them but will put more emphasis on the comments made by Mr. Osborne, Ms. Lord and Atty. Zizka. Most of the comments from Atty. Zizka still need to be incorporated.

### **3.B. Review of Conservation Subdivision Regulation Revision**

Mr. Winter said that since there is a moratorium on the subdivision regulations, their review should take precedence and recommended that Ms. Kern send out a Doodle Poll so that a separate meeting can be arranged to discuss this topic.

*Mr. Manes moved to continue Review of Conservation Subdivision Regulation Revisions to a “to be scheduled” special meeting. Mr. Cherniske seconded and the motion carried unanimously.*

## **4. ADJOURNMENT**

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

Respectfully submitted,

*Donna M. Hayes*

Donna M. Hayes  
Assistant Land Use Administrator