

TOWN OF KENT
PLANNING AND ZONING COMMISSION
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MARCH 23, 2017 SPECIAL MEETING MINUTES

The Town of Kent Planning and Zoning Commission held a special meeting on Thursday, March 23, 2017 at 6:00 p.m. in the Kent Town Hall.

1. CALL TO ORDER

Mr. Johnson called the meeting to order at 6:00 p.m.

2. ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED

Commissioners Present: John Johnson, Chairman; Karen Casey, Alice Hicks, Adam Manes, Marc Weingarten, Wes Wyrick.

Staff Present: Donna Hayes, Land Use Administrator

3. NEW BUSINESS:

3.A. DISCUSSION AND POSSIBLE DECISION

3.A.1. Regulation Rewrite – review of Comparison Chart prepared by Donna Hayes

Mr. Johnson advised the Commission that the review will start at §5000 but Ms. Hayes said that she would like to discuss §4340 first. She continued that someone had come into her office and commented that he heard that the setbacks in the Industrial District were changing. After review of the new regulations, Ms. Hayes noted that Mr. Chalder had added two clauses to §4340: one to the minimum side yard setback; and one to the minimum rear yard setback. While the Commission and Ms. Hayes believe that Mr. Chalder added these clauses in case another Industrial zone is located, they also believe that would never happen. It was decided to remove these two clauses. Ms. Hayes said that she will check all the other Area & Dimensional Requirements make sense.

With regard to §5110.1, Mr. Chalder had only made one of the requested changes and Ms. Hayes was requesting that the second “which” be changed to “that”. The Commission agreed.

With regard to §5110.5 and 6, Mr. Johnson said that he did not see any reason why they should be deleted. Ms. Hayes agreed as did the other Commissioners.

Mr. Johnson said that he would like to add “by the Planning & Zoning Commission” after the word “appointed” in §5130.2. The Commission agreed.

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With regard to §8-2j, Ms. Hayes said that she is not sure what information Attorney Zizka wants to include. Mr. Weingarten said that the regulation refers to the "Commission" and not the "Board". Ms. Hayes said that she would check with Attorney Zizka and also ask him if decisions made by the Architectural Review Board need to be published in the paper and filed on the land records.

Section 5170 was highlighted by Mr. Chalder and Attorney Zizka stated that the section is too broad. The Commission would not like the section removed and asked Ms. Hayes if she could find out from Attorney Zizka how the section could be changed.

With regard to §5220.1, Mr. Johnson said he thought there were other subdivision clauses in the new regulations because the Commission is not rewriting the subdivision regulations at this point in time. Because of that, Mr. Johnson felt the statement could remain. Ms. Hayes agreed but said that she would still check with Attorney Zizka. The Commission felt that the statement could remain until there is a better solution.

Ms. Hayes said that she will look into §5230.1.c. and let Attorney Zizka know.

With regard to §5240.1.b., the Commission agreed with Ms. Hayes and asks that "breast height" be added. Mr. Manes asked if a definition is required as well. It was decided that the term is self-explanatory.

With regard to §5240 and §5200, Mr. Johnson agreed with Attorney Zizka but the Commission would like it to remain until the subdivision regulations are rewritten.

The Commission and Ms. Hayes felt that §5260.3 should remain.

Ms. Hayes will check with Attorney Zizka with regard to §'s 5331.1 and 5331.3.

With regard to §5331.5, Ms. Hayes will ask Mr. Chalder to add "and are 150 sq. ft. maximum after the word "removal". Mr. Manes asked if this regulation was created by another organization. Ms. Hayes said that she did not know but felt that it was stricter than the Town of Washington. Ms. Hicks felt that it did come from the Task Force and would find out for Mr. Manes.

Ms. Hayes said that she would check with the Town Clerk to see if she has the map mentioned in §5430.

With regard to §5541.3, Ms. Hayes said that she did not know and would check with Brian Wood at First Light. Mr. Manes said that he did not think that the ordinary high water mark was arbitrary and suggested adding "ordinary high water mark" in the definition section.

With regard to §5550, the Commission and Ms. Hayes did not understand Attorney Zizka's comment with regard to his comment about using the same wording as 5340.1. It was decided that she ask him what he meant.

With regard to Attorney Zizka's comment regarding the entire section 5550, Mr. Manes said that it is more of an informative guideline that should be considered by the Commission when reviewing a special permit application. Ms. Hayes said that she will ask Attorney Zizka what he meant.

Mr. Johnson said that he does agree with Attorney Zizka's comment about §5650.1 being broad. It was decided that the wording be changed to: "All uses shall not adversely create a danger of toxic effluent or sediment inflow into the aquifer or other groundwater." Mr. Johnson said that "toxic" is very specific and questioned if there is an effluent that might be harmful and not toxic. Mr. Wyrick suggested that an engineer should certify that the effluent will not be harmful. Mr. Manes said that hiring an engineer could be very expensive for the applicant.

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The Commission agreed that the wording should be changed to: "The Commission may require verification from an environmental engineer that the proposed use shall not adversely affect water quality."

With regard to §5650, Ms. Hayes commented that once the legend and the map are on the same page, it would be easier to comprehend. Mr. Johnson said that since the map comes from the DEEP, the colors should remain even though they don't apply to Kent.

Attorney Zizka struck §5741.2.b. The Commission felt that it would be fine to keep it in so that there are no misunderstandings.

With regard to §5750.3, Mr. Manes asked if this was a requirement by Statute. Since Attorney Zizka recommended that it be removed, Mr. Johnson felt that it could go. The Commission agreed.

With regard to §5800, Mr. Johnson said that he would be in favor of leaving it in as this would allow the possibility of a Transportation Overlay District. Mr. Manes asked how making it a special permit or not affect the Town. Mr. Wyrick said that he thought this regulation was a place holder. Ms. Hayes agreed. Mr. Manes asked if leaving it in would be confusing for the Town especially since the Commission is not sure it was going to be done. Mr. Johnson said that he would like to see this being allowed via a special permit because there should be some control over what is done. Ms. Hayes said that Attorney Zizka might be looking at the fact that the these permitted uses could be added to whatever zone this overlay district could apply to. Mr. Johnson asked if instead of requiring a special permit, would the Commission want to approve this via site plan approval only? Mr. Manes said that he would like to see it be required via special permit.

The Commission said that §6100.4 is basically a cross reference notation and should remain in.

With regard to §6200.2, Ms. Hayes said that she would like to add "or the Kent Town Sewer Commission" to the end of the sentence. The Commission agreed.

With regard to the chart listed under §6200.1, Ms. Hayes asked the Commission if they really wanted to allow an additional internal dwelling unit via special permit. There would be no change to the footprint. Ms. Hayes said that she would recommend changing "special permit" to "zoning permit". Ms. Casey asked why there is no reference to accessory dwelling units or guest houses in the Commercial district. She asked if someone has a piece of property in the Commercial zone could they build a detached unit or guest house. According to the chart on page 90, it appears that it is not allowed at all. Ms. Hayes said that it was a good question. Mr. Johnson stated that residential dwelling units were not allowed in the Industrial district and requested that it be removed from the chart. With regard to Village Commercial and Business Hamlet, Mr. Johnson asked if the Commission wanted to allow them via special permit. Mr. Wyrick suggested that the empty boxes be filled in with something like "N/A". Ms. Hayes said that she would like to revisit allowing detached dwelling units and/or guest houses in the Commercial district.

With regard to §6300.1 and 4, Attorney Zizka asked why a resident tenant could run the Bed-n-Breakfast. The Commission thought this was a good question and Mr. Weingarten responded that he thought the Commission who wrote this for a specific reason. Mr. Manes said he remembers this coming up when Peter Starbuck wanted to be able to convert his home to a bed-n-breakfast and live elsewhere. Mr. Johnson said that he thought it was a requirement because the Commission wanted to make sure that someone with a vested interest lived on the property. Ms. Hicks asked if the actual definition of a bed-n-breakfast allows the business to be tenant operated. Mr. Johnson asked if the owner of a bed-n-breakfast were to retire to another state, could he retain the property and have a tenant run the business. Mr. Johnson read the regulation definition. Ms. Hayes read the legal definition of bed-n-breakfast which states that it is the innkeeper's private residence. Ms. Hicks said that she feels this is a distinction between a hotel/motel and bed-n-breakfast. Mr. Johnson asked if someone could rent a

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residence and operate a bed-n-breakfast. Ms. Hicks said that she did not think that should be allowed because it increases the commercialization aspect. The Commission agreed to leave it as it is.

Ms. Hayes asked if the Commission wanted to add "1" and "2" to "(VR)" to §6300.2.a. Mr. Manes suggested changing the word "zone" to "zones".

With regard to §6300.5, the Commission agreed that "Kent Town Sewer Commission" should be added.

Attorney Zizka asked if only one sign is allowed in §6300.8. Ms. Hayes said that she believes that only one sign is allowed but it is bigger than those normally allowed in the rural district is 6 sq. ft. Mr. Johnson said that he feels the bigger sign is allowed because it is a business and that making it larger would make it easier to find. Mr. Johnson said that he has no problem with allowing only one sign. Mr. Wyrick suggested that the word "only" be added after the word "sign". The Commission agreed.

With regard to §6400, Attorney Zizka asked why this section ties into 8-30g. Ms. Hayes said that she believes having a Town sponsored affordable housing regulation shows developers that the Town is willing to work with them in creating affordable housing alternatives and that by not having this section, it would be an open invitation to them to file under that State statute. The Commission agreed. Mr. Weingarten asked what "Town sponsored" means. Mr. Johnson said that he felt "Town sponsored" is the wrong words to use and felt that it should be removed. Ms. Hicks asked that "Town sponsored" be removed from the purpose and intent section. Ms. Hayes asked what the title should be. The Commission said to change the title back to "Affordable Housing".

Ms. Hicks asked what Attorney Zizka's comment in the margin of §6430.5 meant. Mr. Manes said that he thinks that it is not a use but rather a standard for a site plan and should be included elsewhere. Ms. Hicks said that she agrees with Mr. Weingarten's statement that it doesn't hurt and maybe helps. The Commission would like it to remain.

Mr. Johnson said that next comment would be on §6430.6. He agrees with Attorney Zizka's comment about why it is different. Mr. Johnson said he remembers the concept being that less cars would be owned by residents of affordable housing. Mr. Manes commented that in most cases the affordable housing units are smaller. Ms. Hayes raised the question about whether or not this could be considered prejudicial and Mr. Manes said that he did not think so. He and Mr. Wyrick consider it less stringent. Ms. Hayes asked why it was even in this part of the regulations and not listed in the general parking requirements. Mr. Manes said that keeping all the affordable housing information in this one section is a good idea but also recommended that it be added to the general parking chart or take it out and just refer the reader to the parking section. Mr. Johnson said that he was okay leaving it as it is, but if Ms. Hayes wanted to make a notation to include it in the general chart, she could feel free to do so.

With regard to §'s 6520 and 6620, Mr. Johnson said he has no problem leaving them in. Mr. Wyrick asked what the May 4, 1984 date referred to. Mr. Johnson said that he thought this was the date that the regulation was first accepted. The Commission agreed.

Ms. Hayes asked why there was even a section regarding campgrounds when Kent did not have any. Mr. Wyrick said that Macedonia Park was a campground. Ms. Hayes said that would be managed by the State. Mr. Manes said that there is not one here but it should remain in case someone wants to create one.

With regard to §6530.6, Attorney Zizka asked why this was considered a standard. Mr. Johnson said that he was fine leaving it in there.

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With regard to §6530.9, Mr. Johnson said that he remembers this being added when Club Getaway started to increase their activity and there was no site plan on file. Ms. Hayes referred the Commission to §6520 which states that their uses are special permits; therefore, any changes that are made to the campgrounds would require a special permit/site plan application. It was decided to remove §6530.9.

With regard to §6630.5 being consistent with §6530.6 and §6630.8 being consistent with §6530.9, the Commission agreed with Ms. Hayes.

Mr. Manes moved to continue the Regulation Rewrite – review of Comparison Chart prepared by Donna Hayes to the next special meeting. Mr. Wyrick seconded and the motion carried unanimously.

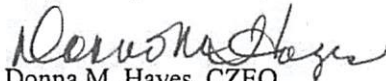
3.A.2. Regulation Rewrite – Incentive Housing Zone Subcommittee Final Report and discussion of regulation acceptance.

Mr. Manes moved to continue the Regulation Rewrite Regulation Rewrite – Incentive Housing Zone Subcommittee Final Report and discussion of regulation acceptance. Mr. Wyrick seconded and the motion carried unanimously.


4. ADJOURNMENT

Mr. Manes moved to adjourn at 8:04 p.m. Ms. Hicks seconded and the motion carried unanimously.

Respectfully submitted,



Donna M. Hayes, CZEO
Land Use Administrator

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