

**TOWN OF KENT**  
**PLANNING AND ZONING COMMISSION**  
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BY

TOWN CLERK

**NOVEMBER 18, 2015 SPECIAL MEETING MINUTES**

The Town of Kent Planning and Zoning Commission held a special meeting on **Wednesday, November 18, 2015 at 7:00 p.m.** in the Kent Town Hall.

**1. CALL TO ORDER**

Mr. Winter called the meeting to order at 7:05 p.m.

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

Commissioners Present: Matt Winter, Vice Chairman; Karen Casey, Darrell Cherniske, Alice Hicks, Adam Manes

Staff Present: Donna M. Hayes, Land Use Administrator

Guest Present: Glenn Chalder, Planimetrics

**3. READING AND APPROVAL OF MINUTES:**

No action taken.

**4. PUBLIC COMMUNICATIONS (ORAL):**

No action taken.

**5. OLD BUSINESS:**

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

No action taken.

**5.B. DISCUSSION AND POSSIBLE DECISION**

**5.B.1. Regulation Re-write.**

Mr. Winter opened the meeting and turned the discussion over to Mr. Chalder.

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TOWN OF KENT PLANNING AND ZONING COMMISSION  
SPECIAL MEETING MINUTES FOR NOVEMBER 18, 2015

These are draft minutes. Corrections may be made by the Commission at the subsequent meeting. Please refer to subsequent meeting minutes for possible corrections and approval of these minutes.

Mr. Chalder said that he thought it would be a good idea to use the Comments Received/Changes Discussed As of 11/16/15 grid (copy attached) as a guide for this meeting's discussion. Before discussion could begin, Mr. Manes and Mr. Winter asked if there was some way to change how the Commission handles pre-existing conditions without requiring the applicant to seek a variance. They used as an example a property owner in the center of Town who was changing the use of their existing building and due to the change of use the property owner was now going to be required to meet the current regulations with regard to their driveway width. Because there is no recourse in the current regulations to handle a situation of this type, the Commission was forced to require the applicant to obtain a variance. Mr. Chalder said that he would look into section 8260.2 on page 118 in order to see if there was some language he could add.

The Commission then turned their attention to the grid. Mr. Chalder pointed out that sections 1000 and 2000 received no comments from those in attendance at the public informational meeting.

With regard to section 3000, Residential Districts, Mr. Chalder said that the Commission had previously approved keeping the one acre grazing area requirement in the Village Residential zones and deleting the one acre requirement in the rural zone; he will make that change. Mr. Chalder also said that he would make the change noted under the "agriculture" box as this was previously agreed to by the Commission.

After the November 16, 2015, meeting, Mr. Jos Spelbos submitted an email with suggested changes. One of those changes was to remove the line relating to floodplain from the soil table. Mr. Chalder agreed as did the Commission. Mr. Spelbos also recommended some additional fine tuning to the soil table which Mr. Chalder agreed should be done; the Commission agreed.

With regard to class D soils on slopes and rocky soils being moved to the class D soils, the Commission decided after discussion that it should remain as is. The Commission also decided that the slope threshold for buildability should be 15%.

Under section 4000, it was decided to allow residential uses in a mixed use building to be on the lower floor. Mr. Chalder said that he would make that change. With regard to some sort of franchise ordinance, the Commission felt that the regulations that are currently in place would help curtail that type of situation. Discussion was also held on whether or not this could legally be done along with the fact that defining "franchise" could pose a problem. Mr. Chalder noted that Ms. Hayes could have CCM investigate whether or not any towns in Connecticut currently have this type of regulation in place. He also suggested that Ms. Hayes review Nantucket's regulations as they currently have this type of regulation in place.

With regard to the name "business hamlet", it was suggested that it be changed to "bulls bridge hamlet". After discussion, it was decided that it remain "business hamlet" in case the Commission decides to apply this overlay zone to another area in Town.

Under section 5000, it was suggested that the threshold in the conservation development overlay zone be a number of lots rather than acres. Mr. Chalder suggested that it be both lots and acres. After discussion, it was decided that a conservation development overlay zone would be applied to a subdivision when the total acreage was 20 or a 5 lot or more subdivision was being proposed. With regard to requiring larger setbacks at the perimeter, the Commission decided not to require it.

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Mr. Chalder recommends that the changes suggested within the conservation development and floodplain/HROD boxes be made; the Commission agreed.

It was also suggested that Kent incorporate the HROD changes as per the Northwest Conservation District. Mr. Chalder said that he reviewed Cornwall's regulation and feels that Kent's regulations were better. Mr. Cherniske asked if by not adopting NWCD's wording Kent would negatively impact any adjoining town's regulations. Mr. Chalder said that he did not believe so. The Commission agreed to leave the current language in place.

With regard to mentioning that no buildings are permitted under section 5541.3, Mr. Chalder said that he would include language that would refer the applicant to section 5544.1 if buildings are being proposed.

In a response to a recommendation that the map be changed for legibility, Mr. Chalder noted that the map is a picture from the State website and cannot be adjusted.

With regard to 6200.3, it was suggested that the word "principal" be changed since it could be possible to have a principal residence elsewhere. Mr. Chalder said that he would work on changing it.

With regard to whether or not bed and breakfast regulations anticipate "AirBnB" type transactions, it was decided that "like for like" rentals would not require Planning & Zoning approval while "owner in residence" rental complaints would require either a bed n breakfast or boarding house permit.

It was recommended that the word "allowed" be added to section 6430.3.b; the Commission agreed.

It was decided to wait to change any sign regulations until legal review based on the recent court ruling.

Mr. Chalder asked Ms. Hayes to get him the ordinance numbers relating to consultations, section 10950.

With regard to the sign size of public hearing notifications, Mr. Chalder said that the common size would be 18" x 24". The Commission agreed to the change. Mr. Chalder also recommended that the wording in #13 on page 157 be copied to page 155; the Commission agreed. It was also agreed that Mr. Chalder will add "critical habitats, farm fields, vernal pools and stone walls" to section 1.3 on page 159.

Under the "Other Comments" section of the grid, it was decided that the Commission study enforcement procedures from other towns once the new regulations were in force. Mr. Chalder suggested that Ms. Hayes check out information on the websites of North Stonington, Norfolk and Canton.

It was decided that "Torrington Area Health District" be changed to "sanitarian".

It was decided that "drones" was not a land use issue and suggested that a Town Ordinance be considered.

It was decided that the location for the sale of marijuana be postponed until such time as the northwest corner is identified as a possible area of distribution.

With regard to the index, this was discussed with Mr. Chalder on several occasions and it was decided that the creation of an index could pose technical issues in a document that is designed to evolve over time. In addition, the Commission decided that an index was not necessary since a search could be done if the document is referred to in a PDF format.

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With regard to the subdivision regulations, it was suggested that a discussion regarding this be added to the agenda for the next regular meeting. Mr. Chalder asked Ms. Hayes to tie in the references from the existing subdivision regulations to the proposed new regulations. When asked how quickly a review of the subdivision regulations could be done, Mr. Chalder replied that it would be much quicker since the regulations are more instructional than regulatory.

Zoning map changes will be the last thing done. Once the Commission has had an opportunity to discuss the possible map changes, all the changes will be consolidated and sent in to HVA for printing.

At this point in time, the review is in a holding pattern until the legal review is done. Ms. Hayes will contact Attorney Zizka to see if it would be possible for him to review them and then meet with Mr. Chalder, either Mr. Johnson or Mr. Winter and Ms. Hayes to review those areas identified as problematic. They, in turn, will report back to the Commission and hopefully a date can then be set for the public hearing.

**6. NEW BUSINESS:**

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

No action taken.

**6.B. DISCUSSION AND POSSIBLE DECISION**

No action taken.

**7. STAFF REPORT:**

No action taken.

**8. REPORT OF OFFICERS AND COMMITTEES:**

No action taken.

**9. OTHER COMMUNICATIONS AND CORRESPONDENCE:**

No action taken.

**10. ADJOURNMENT**

*Mr. Manes moved to adjourn at 9:05 p.m. Ms. Hicks seconded and the motion carried unanimously.*

Respectfully submitted,



Donna M. Hayes, CZCO  
Land Use Administrator

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**KENT ZONING REGULATIONS**  
For Discussion With PZC – November 18, 2015

**Comments Received / Changes Discussed As Of 11/16/15**

<b>1000 INTRODUCTION</b>		
	<ul style="list-style-type: none"> <li>No comments</li> </ul>	

<b>2000 DEFINITIONS</b>		
	<ul style="list-style-type: none"> <li>No comments</li> </ul>	

<b>3000 RESIDENTIAL DISTRICTS</b>		
Keeping of Animals	<ul style="list-style-type: none"> <li>Keep one acre grazing area requirement in VR (Section 3131)</li> <li>Delete one acre grazing area requirement in RU-1 (Section 3231)</li> </ul>	PZC OKed
Agriculture	<ul style="list-style-type: none"> <li>Add "Farm" as a permitted use in RU-1 (Section 3221) and add requirement to conform to "Best Management Practices as promulgated by the CT Department of Agriculture")</li> <li>Search for use of "agriculture", "agricultural", and "farm" and add a reference to "Best Management Practices as promulgated by the CT Department of Agriculture")</li> </ul>	PZC OKed
RU-1	<ul style="list-style-type: none"> <li>Likes the new soil code designations and the conservation development overlay district for the RU-1 district</li> </ul>	
Soil Table	<ul style="list-style-type: none"> <li>Remove line in table related to Floodplain (FEMA) since this is not a soil type and add this as a note at the bottom</li> </ul>	Change recommended
Soil Table	<ul style="list-style-type: none"> <li>Eliminate some repeats in the soil code table ("C")</li> <li>Eliminate "N" soil codes since these were temporary and were later abandoned (soils placed in other categories)</li> <li>Add the following soil codes: <ul style="list-style-type: none"> <li>23A and 24A into category C2</li> <li>58C into category A</li> <li>90D and 92D into category C3</li> <li>76F into category D (or category C3)</li> </ul> </li> </ul>	Change recommended
Soil Table	<ul style="list-style-type: none"> <li>Feels "D" soil codes (slopes) and some rocky soils should all be Class D in the soil table</li> </ul>	DISCUSS?
Soil / Slopes	<ul style="list-style-type: none"> <li>Discuss whether slope threshold for buildability should be 15 percent or 25 percent</li> </ul>	DISCUSS?
Birch Hill	<ul style="list-style-type: none"> <li>Likes the idea of RU-2 district and regulations</li> </ul>	

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<b>4000 BUSINESS DISTRICTS</b>		
Mixed Uses	<ul style="list-style-type: none"> <li>Change 4123.12 to allow residential uses in a mixed use building to be on a lower floor (i.e., delete parenthetical statement)</li> </ul>	PZC OKed
Franchise Ordinance	<ul style="list-style-type: none"> <li>Wonders whether Kent should have a "franchise ordinance" to limit franchise businesses in the village center</li> </ul>	DISCUSS?
	<ul style="list-style-type: none"> <li>Should "Business Hamlet" be renamed "Bulls Bridge"?</li> </ul>	

<b>5000 SPECIAL DISTRICTS</b>		
Conservation Development	<ul style="list-style-type: none"> <li>Should the threshold in the Conservation Development Overlay be the number of lots rather than 20 acres (or lots <u>and</u> acreage) so that the process will be utilized</li> <li>Maintain the indicated setbacks within the Conservation Development but require larger setbacks at the perimeter</li> </ul>	DISCUSS?
Conservation Development	<ul style="list-style-type: none"> <li>Add protection of farmland soils as a purposes in Section 5210</li> <li>Requests that PZC be able to contact other agencies as part of a Conservation Development (copy #13 on page 157)</li> </ul>	Change recommended
Floodplain / HROD	<ul style="list-style-type: none"> <li>Change text in Section 5550.4.a to refer to Section 5400 in terms of elevation of first floor</li> </ul>	Change recommended
HROD	<ul style="list-style-type: none"> <li>Incorporate HROD changes as per NWCD</li> </ul>	DISCUSS?
HROD	<ul style="list-style-type: none"> <li>Specifically mention in 5541.3 that buildings are not permitted</li> </ul>	Change recommended
APOD	<ul style="list-style-type: none"> <li>Recommends map changes for legibility (add roads, delete some categories, etc.)</li> <li>Source this map</li> </ul>	Map is a picture from State website

<b>6000 USE-RELATED STANDARDS</b>		
Accessory Dwelling	<ul style="list-style-type: none"> <li>Change 6200.3 to remove requirement that it be "principal" residence since people may have a principal residence elsewhere</li> </ul>	DISCUSS?
Bed and Breakfast	<ul style="list-style-type: none"> <li>Do bed and breakfast regulations anticipate "AirBnB" type transactions</li> </ul>	
Affordable Housing	<ul style="list-style-type: none"> <li>Change 6430.3.b to read "increase the allowed lot coverage"</li> </ul>	Change recommended

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<b>7000 ENVIRONMENTAL/PERFORMANCE STANDARDS</b>		
	<ul style="list-style-type: none"> <li>No comments</li> </ul>	

<b>8000 DEVELOPMENT STANDARDS</b>		
Signs	<ul style="list-style-type: none"> <li>Consider modifying language to reflect "content neutral" signage per recent Supreme Court case</li> </ul>	Await comments from Attorney?
Signs	<ul style="list-style-type: none"> <li>Interested in the changes to the signage regulations, particularly related to portable signs</li> </ul>	

<b>9000 SPECIAL PROVISIONS</b>		
	<ul style="list-style-type: none"> <li>No comments</li> </ul>	

<b>10000 PROCEDURES</b>		
Consultations	<ul style="list-style-type: none"> <li>Confirm ordinance number (see #2 and #10)</li> </ul>	Ordinance # needed
Sign Size	<ul style="list-style-type: none"> <li>Change minimum sign size to 18" x 24"</li> </ul>	
	<ul style="list-style-type: none"> <li>Requests that PZC be able to contact other agencies as part of a pre-application review (copy #13 on page 157 to page 155)</li> </ul>	Change recommended
Site Plan	<ul style="list-style-type: none"> <li>Add critical habitats, farm fields, vernal pools, and stone walls to Section I.3 on page 159</li> </ul>	Change recommended



**KENT ZONING REGULATIONS**  
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**OTHER COMMENTS**

<b>Overall</b>	<ul style="list-style-type: none"> <li>Feels the PZC is perceived as difficult since many do not understand the “philosophy” of the regulations – hopes the “user-friendly” regulations will help overcome this</li> </ul>	
<b>Enforcement</b>	<ul style="list-style-type: none"> <li>Feels that complaint-based enforcement process results in a situation where some violations are not enforced and people believe things are OK when they are not permitted</li> </ul>	PZC could study enforcement procedures
<b>Barns</b>	<ul style="list-style-type: none"> <li>Is there a way to change regulations to preserve barns</li> </ul>	
<b>Sanitarian</b>	<ul style="list-style-type: none"> <li>Should “Torrington Area Health District” be changed to “sanitarian” since this arrangement may change in the future?</li> </ul>	
<b>Drones</b>	<ul style="list-style-type: none"> <li>Why do the zoning regulations not address drones?</li> </ul>	
<b>Medical Marijuana</b>	<ul style="list-style-type: none"> <li>The regulations should limit or prohibit the sales of marijuana to areas outside the village district</li> </ul>	
<b>Index</b>	<ul style="list-style-type: none"> <li>Feels an index would make the regulations more user-friendly</li> </ul>	
<b>Subdivision Regulations</b>	<ul style="list-style-type: none"> <li>The PZC should review the subdivision regulations for any references to sections of the zoning regulations since those references will have changed.</li> <li>The PZC should review the subdivision regulations for any conflicts with the new zoning regulations.</li> </ul>	
<b>Legal Review</b>	<ul style="list-style-type: none"> <li>PZC may wish to request review by PZC attorney</li> </ul>	

Please see detailed comments from Jos Spelbos dated 10/31/15



**KENT ZONING REGULATIONS**  
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<b>POSSIBLE ZONING MAP CHANGES (Planimetrics)</b>	
<b>Zone</b>	<b>Comment</b>
RU-1	1. Include new soil coding categories on the map
RU-1	2. Delineate new RU-2 (Birch Hill) district on the map
BH	3. Rename "Roadside Commercial" to "Business Hamlet"
I-1	4. Confirm that zoning designations along Maple Street Extension reflect PZC intent
FOD	5. Show the Floodplain Overlay District areas on the zoning map
HROD	6. Update the HROD boundary and add to the zoning map
APOD	7. Change the APOD boundary to reflect new definition
HCOD	8. Show the Horizon-line Conservation Overlay District areas
TOD	9. Show the Transportation Overlay District areas
CDOD	10. Show the Conservation Development Overlay District areas

<b>POSSIBLE ZONING MAP CHANGES (Other)</b>	
<b>Zone</b>	<b>Comment</b>
VR-1	11. Make South Commons (aff. housing) parcel 4-12-21 part of VR-1
VR-2	12. Change the agricultural parcel 3-15-5 from VR-2 to RU-1, since it defines the north end of the village
RU-2	13. New RU-2 district should include Birch Hill Lane, Birch Hill Court and some of route 7 (lots 5-10- 3-480)
I-1	14. Include town garage and transfer station parcel (4-12-20) in the Industrial District
I-1/I-2	15. Add I-1 and I-2 distinctions to the Zoning Map
KVOD	16. Consider whether to keep rural residential sections ... as part of the Village District.
KVOD	17. Make all of Kent Greenhouse (parcel 4-13-6) VC and KVOD, instead of half VC and half VR-1
KVOD	18. Should the Industrial district be part of the Village District? (If so, it has to be mentioned under KVOD)
KVOD	19. Add Kent Center School to KVOD.
KVOD	20. <i>(If KVOD applies only to areas visible from a public street) ...</i> This seems to exclude the private Kent Green shopping area, part of the "Preston barns" area, and potential expansion behind Town Hall and behind the Fife 'n Drum. Can we include these areas?

Thank you for opening this third draft up to further comments by the public. As you know I have commented on the earlier drafts too, and some of those comments have been addressed while some haven't. I don't need to repeat all those. But I do want to take this opportunity to make some relevant comments and suggestions that I hope you will consider, and most of which I also addressed in the recent public meeting.

Overall the organization and clarity of the regulations have been improving through every draft. The regulations are also more reflective of new developments and attitudes and more accommodating to existing situations.

My main focus has been on improving the soil-based zoning in the rural residential district. I like most of the approach you have finally settled on. Starting with a site analysis that identifies the important natural and cultural, historic and scenic resources, and mapping the soils, and from there progressing to a development plan that is sensitive to these resources, is vital. The soil classification has finally been updated. Using the Conservation Development model as an overlay district and making it the default approach in larger developments will allow more flexibility, smaller and more affordable lots, and more open space protection, and it is probably easier to work with than a soil-based density approach as proposed earlier. While the minimum lotsizes have been increased, that has to some extent been offset for existing parcels by the exception in section 9110.1, and also by including PUD's and condo communities again in the Conservation Developments. I see further room for improvement though:

Regarding the Soil Categorization Table in section 3240 on page 44:

1. In the third of the C subcategories 75C, 94C and 95C have slopes of 8-15% and are listed in the first subcategory (C1) already.
2. The rest of the soils are all more than 15% slope, and under your definition would be regarded unbuildable, and should move to category D. That is a lot of acreage. Other towns use 25% slope as a cutoff for calculating buildable area. I suggest keeping moderately steeply sloping terrain with 15-25% slopes in the C3 category and moving the steeper ones to D. The letter D behind the soil numbers stands for 15-25%, and E and F for >25%, but to make it more difficult 59D, 62D, 86D and 91D also include some locally steeper slopes, and most of the E soils also include some locally gentler slopes. My suggestion would be to regard the E soils as unbuildable unless the applicant can show that there is a buildable inclusion of sufficient size.
3. The soil types 76F, 76E, 95E, 75E, 94E, 95C and 75C are composed of mostly very rocky terrain with very shallow or no soil, and could be considered unbuildable for that reason.
4. The soils with an N in C3 and the Miscellaneous category (N17, N18, N06, and N19) were part of an intermediate soil classification by the CT NRCS, and were later abandoned. They are not part anymore of the final soil survey classification which is the one that was made available online as the websoilsurvey ([websoilsurvey.nrcs.usda.gov](http://websoilsurvey.nrcs.usda.gov) or [ct.nrcs.usda.gov/soils](http://ct.nrcs.usda.gov/soils)).
5. The well-drained group A also contains excessively drained soils (36, 38 and 39).
6. I don't think soil types 12 and 16 should be separate from the other (very) poorly drained wetland soils, while 17 is a marshy soil.

7. The list of soils present in the town of Kent and on the soil map of Kent, as compiled for the Conservation Commission by Kirk Sinclair, the former GIS manager of the HVA, lists the presence of 6 more soil types in Kent: 23A and 24A are moderately well drained glacial outwash soils with seasonal high water table (category C2); 58C is a well-drained till soil (A); 90D and 92D are well-drained calcareous till soils with 15-25% slopes (C3); 76F consists of steep rock outcrops, and the worst terrain in town (D). I refer you to the soil data table which I compiled several years ago with help from Kirk (attached).

Regarding Section 5200 Conservation Development Overlay District:

8. In 5220.3 instead of using 20 acres as criterium for requiring a Conservation Development design, wouldn't it make more sense to use e.g. 4 or more lots as the criterium?
9. In the Purpose section 5210 include protecting agricultural lands (and the most productive soils). The updated soil-based zoning still can't protect those well enough, but if it is specifically mentioned as a goal, then the commission has the legal backing for steering developers away from farmland during the application process.
10. In 5240.2b I would like to see mention that the Conservation Commission can be consulted regarding the choice of Open Space. The Conservation Commission would also like to be involved in the review of Conservation Development plans. It might also be helpful to state in 10200 that the Commission may invite other landuse commissions to participate in the pre-application review for certain developments.
11. Regarding 5240.3 and 5240.1 (first sentence), I consider other qualified professionals such as natural resource specialists, environmental consultants and land planners better trained for this than a surveyor; and the Northwest Conservation District or the HVA could also be consulted.
12. In 5250.2 allow small setbacks within a PUD or cio community, but require larger ones around it.

Some miscellaneous items:

13. Even though Low Impact Development is mentioned in section 8700 on Stormwater Management I would still like to see a stronger push towards applying LID principles and methods. One way is by promoting them specifically also in the CDOD. Secondly by promoting them also in the Parking section 8260.5 or 8270, especially the use of pervious asphalt or concrete, or permeable pavers, for parking spaces, and the use of vegetated bioswales in parking islands with drainage openings in the curbs. And thirdly by setting maximum impervious surface percentages for the districts, especially in the village and Industrial District.
14. The Industrial District is presently still part of the Village District, but is not treated like such here.
15. 5440.3 requires buildings to be elevated a minimum of 1 foot above the base flood level, but 550.4 says to or above the 100 year flood level. Why not the same?
16. In 5540 on the Housatonic River Inner Corridor it might be good to specifically mention that agricultural and horticultural buildings are not allowed there, since the definitions of farming and agricultural uses do include such buildings.
17. In 5570 the HR Outer Corridor: shouldn't clearcutting and view clearing also be reviewed?
18. Do agricultural uses have to comply with the Horizonline COD regulations such as clearing trees, or is it exempt?
19. On the Aquifer Protection Overlay Map in section 5600 the lightbrown areas should be deleted for clarity, and roads added. The Town Garage is not in this new, smaller APOD, nor is the sewerplant. The 30 dwelling Brookwoods condo development is, and it doesn't comply with 5650.2; does that create potential problems for Brookwoods?

Don't allow any underground fuel tanks in this smaller Aquifer Protection District, and avoid septic systems on excessively drained soils (#36, 38 and 39).

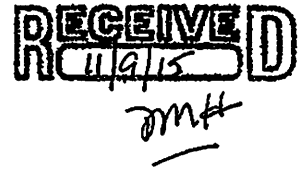
20. In the meeting I suggested some ways to make it easier to create affordable (i.e. low cost, not just the town sponsored type) apartments. One I want to repeat here is that in section 6200.3 the requirement that the property must house the principal residence of the owner should be dropped, so that weekenders and other parttimers can keep renting out their caretakers houses and garage apartments.
21. Under 6430.3b don't you mean "increase the allowed lot coverage"?
22. Numbering in 7450 is off.
23. In 8230 parking table shouldn't there be less rather than more parking spaces per unit for multi-family dwellings?
24. In 8260.1b there is a disparity between the eight feet and the 9'.
25. For the Landscaping section 8500 I refer to my comments on the second draft (emailed March 4, 2015).
26. In the supplemental site plan considerations list under 10350 add critical habitats, farmfields, vernal pools and stonewalls to 1.3.
27. In 10530.7 and 10630.7 publish these proposed changes on the Town website too; it will reach more people. More in general all important notices, hearings and such should be announced and available on the town website, not just in the town clerk's office and in the legal notices section of a regional newspaper. This pertains, among others, to section 10961.1.
28. In 10.960 the Notification to property owners section (10.970 in the second draft) is missing.
29. In the appendices, for uses in the RU-1 district, require a delineation of the soil types present, either from the websoilsurvey (is schematic), or from a field study; and show the location and results of percolation and deep hole tests.
30. In the Site plan / Special permit Application Requirements appendix under Additional information add the options of requiring a natural resource inventory by a qualified professional, and of describing the potential impact on wildlife.
31. Show parcel boundaries on the zoning map, and consider changing the zoning district for some parcels (see my earlier comments).

Thank you for your consideration and for all the work you have put into this,

Jos Spelbos  
433 Kent-Cornwall Road #3  
Kent, CT  
[jspelbos@charter.net](mailto:jspelbos@charter.net)

10-31-2015

To: Kent Planning & Zoning Commission  
John Johnson, Chair



From: Rick Levy  
Date: November 2, 2015

Dear John,

Due to family commitments, I was unable to attend the informational/comment meeting on October 22.

I do not know what comments were made at the meeting, but I have three issues of concern that were not addressed in the draft.

# 1. DRONES

I have appeared before the Commission previously to ask that they consider the issue of drones in the new regulations. I spoke to several members of the Commission who felt there was no current problem and that there is little a town can do facing oncoming Federal regulations.

This past weekend at the Pumpkin Run, a drone flew over the hundreds of people gathered near Town Hall. (see photos) Nobody hired the operator. He was one of the local hobbyists who was taking photos for his own use. If there were to be an accident, who would have been responsible? Does the Pumpkin Run own the air rights? Could this develop into a "privacy" issue? Many towns in Connecticut are already discussing this to see what, if anything, can be done at a local level while the U.S. Government gets its act together. Even last week, the FAA put in regulations regarding height restrictions for drones near aircraft lanes. I ask the commission to explore our options and see what can be done before this hobby interferes or endangers our lives.

From another perspective, drones can also be a danger to wildlife. As you know, Kent is at the center of the flyway for many migrating birds. Kent's skies are full all year with soaring raptors and a large variety of ducks, geese, and many other varieties. Evidence has revealed that some of these larger birds have been killed or injured by drones. Some species see the drones as "enemy" and have

attacked them. You can see actual evidence of this on YouTube. Just search for "drones hurting birds."

Estimates are that over one million drones will be sold this year at Christmas.

Drones are a wonderful invention with unlimited possibilities but without some sensible regulation, it can get out of hand.

## 2. SALES OF MEDICAL MARIJUANA

Kent was the second town in Connecticut to establish Village District regulations to protect its character. These regulations have worked very well, and I ask the Commission to continue to be diligent in protecting these hard earned regulations while being flexible to future threats.

While there are currently no medical marijuana dispensaries in Kent, the possibilities of expanding these outlets and the probability of legalization deserve attention with regard to sale of this drug. I do not think marijuana should be available in our Village District on Main Street and should be treated with the same sensitivity accorded to "adult stores." Besides, customers might prefer to shop in a more discreet part of town.

When I asked the Commission why "drug stores" were not included in the list of allowed businesses in the regulations, I was told that the commission felt drug stores would be included under the umbrella of "retail sales." The distribution of medical marijuana should not be considered "retail sales" since the product is not available to the general public. It is not a "retail drug store."

Other towns are already addressing this issue while Kent does nothing.

Limiting the sale or distribution of marijuana to areas outside the Village District makes good sense.

## 3. INDEX THE REGS

Kent's population tends to be older than most Connecticut towns. Many of our older residents are not familiar with using computers. That being true, I ask the Commission to be more "user friendly" by providing a simple index to the regulations and make available a printed copy at little or no cost.