

TOWN OF KENT
PLANNING AND ZONING COMMISSION

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JANUARY 25, 2018 SPECIAL MEETING MINUTES

The Town of Kent Planning and Zoning Commission held a special meeting on Thursday, January 25, 2018 at 6:00 p.m. in the Kent Town Hall.

1. CALL TO ORDER

In Chairman Johnson's absence, Wes Wyrick called the meeting to order at 6:05 p.m.

2. ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED

Commissioners Present: John Johnson, Chairman (arrived at 7:03 p.m.), Karen Casey, Darrell Cherniske, Adam Manes, Anne McAndrew, Matt Winter, Wes Wyrick

Staff Present: Donna M. Hayes, Land Use Administrator

Guest Present: Glenn Chalder, Planimetrics

Mr. Wyrick elevated Mr. Manes and Ms. McAndrew to voting status.

3. OLD BUSINESS:

3.A. DISCUSSION AND POSSIBLE DECISION

3.A.1. Regulation Rewrite – final review of *Working Draft – Revised through January, 2018*; and special approval meeting strategy

Ms. Hayes referred the Commissioners to the 5th version of the Regulations and noted that the Incentive Housing Zone Regulations would need to be included in the new Regulations.

The Commission then reviewed the questions that Mr. Chalder had submitted in response to the spreadsheet that Ms. Hayes had created and sent to him.

With regard to the mapping, Ms. Hayes reported that she had made contact with Ms. Stacy Deming of the HVA. Ms. Deming said that she would be able to make the changes to the maps and possibly have them done by Tuesday of the following week at a cost of \$70/hour. The following changes will be made to the map:

- Add the portion of Kent Greenhouse that is in the Rural zone to the Commercial zone.
- Add "A" and "B" to the description of the Industrial zone.

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- The “Roadside Commercial” designation will be changed to “Business Hamlet”. The area will encompass Map 6 Block 12 Lot 17 and Map 6 Block 11 Lots 1, 5 and 6.
- Birch Hill Rural 2 zone will begin with Map 5 Block 10 Lot 3 and end with Map 5 Block 10 Lot 48 which lots are located on the river side of Route 7.

With regard to the Incentive Housing Zone, Mr. Winter asked if the overlay zone had been decided and designated. Ms. Hayes thought that the only reason why one lot had been identified was so that the Town could take advantage of the grant to actually write the regulation. Mr. Chalder will review the language for the Incentive Housing Zone and see what that says. In some towns, a mention is made on the map, but no location is designated. Mr. Chalder said that he will submit a sample and recommendation.

Ms. Hayes reminded the Commission that a decision needs to be made with regard to the designation of the rural zone along Maple Street Extension. It was decided to hold off on that discussion with the understanding that it might have to be done after the regulations have been approved.

Mr. Chalder asked if the Commission wanted to add the Horizonline Overlay District to the main zoning map. Ms. Hayes commented that there was a separate map designating that district.

Mr. Chalder also asked if the Commission wanted to add the Transportation Overlay District to the main zoning map. It was decided to add that to the map once the district itself has been identified.

Mr. Chalder referred the Commission to page 83 which is the new map for the Aquifer Protection Overlay District. It was suggested that this information be given to Ms. Deming at the HVA so that she can download the exact location and place it on the main zoning map. Mr. Chalder suggested that any overlay districts be designated by broken lines.

Ms. Hayes told the Commission that she had written a definition of Temporary Agricultural Housing. After reading the definition to the Commission, it was decided that Mr. Chalder will change the wording in §3234.4 to read: “In order to preserve and encourage agricultural activities in the Town of Kent, housing for farm workers when accessory to a farm provided that such house is: a. only occupied seasonally...” The rest of the section would remain as is.

With regard to §4122.1, this section is no longer an issue as the comment “like to like” was deleted.

Section 5230.1.c., will be changed from 0.75 to 0.85 in order to correspond to the subdivision regulations.

Attorney Zizka commented that there seems to be a contradiction of §5331.1 and §5331.3. Mr. Winter and Ms. Casey both thought that it should remain as Mr. Winter said one was passive and one was not. Ms. Hayes asked if the Commission wanted to add the word “rural” to §5334.1 instead of “underlying”. It was decided to leave it as it is.

Ms. Hayes reported that she investigated the FEMA website with regard to the wording “high water mark” and found that it is their wording. First Light will determine the high water mark from the bridge by the Kent School south and FEMA will determine the high water mark from the bridge north.

Mr. Chalder suggested that the explanation under §5550, on page 80, be removed as the main section describing special permits will cover any applications submitted under this section.

Mr. Johnson arrived at this point in the meeting.

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With regard to section 6200.1, the chart will be changed to reflect that the first column will be changed from "special permit" to "zoning permit" with the exception of Birch Hill. Mr. Chalder will also move the language from #2 up to #1. Attached Dwelling unit will now require a zoning permit instead of a special permit in all districts but Birch Hill. Mr. Winter cautioned that this chart should be consistent with the language in each specific section. Mr. Chalder agreed and said that he would make those changes. A detached dwelling unit and detached guest house will now be allowed via a special permit in the Village Commercial and Business Hamlet; neither will be allowed in the Birch Hill RU2 district.

With regard to 7430.4, it was suggested that "as amended" be added after "Town of Kent Ordinances". Mr. Chalder said that he will add that where applicable throughout the regulations.

Ms. Hayes commented that she created a new sign regulation. Mr. Chalder asked the Commission if they wanted to go with the new version and it was decided that the Commission review it for the February 8th meeting and make the decision to either include it or not. During the discussion, it was decided that the meeting date for adoption will be March 29th at 7:00 p.m. Mr. Chalder said that he will make sure that the Commission has the final version by February 8th. He also commented that he will prepare a powerpoint presentation which highlights the changes for the public hearing. Mr. Winter asked if minor changes can be made without having a public hearing. Mr. Chalder said that any major changes that could impact the general public would need to go to public hearing. The question to ask is if they played fair.

It was decided that §8550.5 be deleted which could pose a problem when it comes time to issue a Certificate of Compliance. Ms. Hayes explained that if a Certificate of Compliance is issued and the landscaping is not done, she notes that in the "stipulation" area and revisits it when the landscaping is finally able to be done. Mr. Wyrick cautioned that sometimes the banks do not accept temporary compliances. Mr. Chalder said that even though it will be deleted, Ms. Hayes and future ZEO's should be aware of the possible outcomes.

Ms. Hayes said that she will work with Attorney Zizka on sections 9110.1, 9120.13 and 9220.1.

With regard to §9240.3, Mr. Chalder said that this refers to a structure and not a use. Ms. Hayes asked what happens to this section and Mr. Chalder recommended that Ms. Hayes send this entire section to Attorney Zizka for review. Mr. Johnson asked why a public hearing was required to decrease a non-conformity. Mr. Chalder asked Ms. Hayes to clarify that with Attorney Zizka.

Attorney Zizka stated that §9500 should be placed in the subdivision regulations. Ms. Hayes said that she did some research to see if private roads could be created and found nothing that says it could not. It was decided that the section remain in the regulations.

Ms. Hayes said that she will work with Attorney Zizka on the entire §10000.

Mr. Chalder asked that Ms. Hayes verify his answer with Attorney Zizka.

With regard to §10810.1, Attorney Zizka wrote that there is no statutory authority for a ZEO to issue an enforcement order for the unauthorized cutting of trees. After review of the section, it was noted that the wording had been removed. But during the removal of that clause, the words "grading of land or the removal of earth" had been removed as well. Ms. Hayes requested that it be put back in. Mr. Chalder asked if the Horizonline overlay district regulation had that clause in it as that clause would be covered there.

With regard to §10965, Mr. Chalder said that he would not delete the provision and suggested that it remain. Ms. Hayes said that has never done anything with this and have never received any maps from the DEEP. She stated that she has seen these maps with the Inland Wetlands applications for pesticide applications. Mr. Chalder said

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that in most towns, these maps are posted on the wall. He provided the link to the maps and Ms. Hayes said that she will download the information and begin the process.

It was decided that §10970.2 would remain.

Mr. Chalder said that he will make the changes from this meeting and that he will make sure the Commissioners have a copy for the February 8th meeting. Ms. Hayes will work on getting the maps done with HVA.

4. ADJOURNMENT

Mr. Manes moved to adjourn at 8:03 p.m. Mr. Wyrick seconded and the motion carried unanimously.

Respectfully submitted,



Donna M. Hayes, CZEO
Land Use Administrator

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