

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

41 Kent Green Boulevard  
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**SPECIAL MEETING MINUTES**

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KENT TOWN CLERK  
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BY *D. Bradley*  
TOWN CLERK

The Kent Planning and Zoning Commission held a special meeting on May 2, 2018 at 7:00 p.m. in the Kent Town Hall, 41 Kent Green Boulevard, Kent, CT.

**1. CALL TO ORDER**

Chairperson Johnson called the meeting to order at 7:04 p.m and seated Anne McAndrew and Adam Manes as voting members.

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

Commissioners Present: John Johnson, Anne McAndrew, Adam Manes, Alice Hicks, Karen Casey

Staff Present: Donna Hayes, Land Use Administrator

**3.A. DISCUSSION AND POSSIBLE DECISION:**

**3.A.1.** Discussion of comments made at the March 29, 2018 public hearing and possible approval of amendments to the Town of Kent Zoning Regulations, originally adopted in 1965, and last updated on September 30, 2013.

Glen Chalder came forward and reviewed a report entitled Comments from March 29, 2018 Public Hearing.

Karen Casey was seated at 7:06 p.m.

The following determinations have been made:

- Under Section 2000 the Commission agreed not to restrict definitions regarding “affordable housing” or “affordable units” to allow for future project related flexibility. Additionally, the Commission agreed that buildable slope can be increased to 25%.
- Within Section 3000 it was agreed that the limit gross vehicle weight should be increased to Class 3 -14,000 lbs. Commercial vehicles are permitted in the Industrial District as long as they are registered vehicles. Subsections a, b, and c for the Industrial District shall be struck from the Regulations.
- It was noted that the change to animal units would allow for more animals in Village District and curtail the amount allowed in the Rural Residential District. It was agreed that the Regulations would be revised to require 1 acre grazable land.
- It was agreed that the Village Residential and Birch Hill areas will require Special Exception for accessory buildings in front of principal buildings; however, they will be permitted in the Rural District.
- Under Section 3300 Birch Hill District right-of-way width will be corrected to 20 feet.

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Kent Planning and Zoning Special Meeting Minutes 5/2/18

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.

- Sections 3400 and 3410 regarding Incentive Housing were discussed and it was determined that this was to be an overlay zone.
- With regard to Section 3420 it was clarified that the 20% of units to be affordable is a concurrency requirement and not a total requirement.
- Section 3450 shall remain as written requiring both design review and Special Permit for Village Incentive Housing.
- The Commission agreed that under Section 4120 multi-family developments in the Village Commercial District is a discussion that is too great to consider at this time without warranting further public hearing. The Commission will take up this discussion at a later date.
- Additionally, under 4120 it was agreed that drive-up windows would both be dangerous and would deter the public from walking and enjoying Kent's center.
- In Section 4140 building height limits shall remain at 35' in the Village
- The Commission agreed that in Section 4320 in the Industrial Zone a contractor or auto repair will be permitted without the office requirement. Affordable housing will be deleted from Industrial Zone. Glen Chalder advised that the discussion regarding setbacks within the Industrial District is something that would warrant further public hearing and should be held off for later discussion.
- In Section 5100 two alternates will be added to the ARB as requested at public hearing.
- Section 4350, the adjustment of the Kent Village Overlay District boundaries was not publicly warned; therefore, this discussion will be held for later consideration.
- It was determined that under Section 5900 it would be a benefit to the community benefit to continue to deed restrict as affordable.
- The Commission agreed that the two bedroom average for unit mix works well in Section 5940.
- The reference to driveway grade throughout the Regulations shall be reorganized by Glen Chalder for better clarification.
- The group considered allowing a temporary trailer for living while a house is under construction under Section 9300. They noted concerns with enforcing a temporary time limit for such a use.
- It was clarified that waivers already exist to allow for some application requirements to be waived. Donna Hayes agreed to review to confirm all requirements are covered as part of the waivers.
- Donna Hayes asked the Commission to consider signs painted on windows. It was determined that business identification signs painted on windows will be allowed; however, this will be considered one of the signs permitted.

Glen Chalder will have the changes discussed this evening available for adoption for the June 14, 2018 meeting.

#### 4. **ADJOURNMENT**

*Mr. Johnson moved to adjourn at 9:20 p.m.*

Respectfully submitted.

Tai Kern

Tai Kern,  
Land Use Clerk

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**WORKING PAPER FOR PZC REVIEW**  
**Kent Zoning Regulations –Comments From March 29, 2018 Public Hearing**

Kent Zoning Regulations

## List Of Comments

1000 AUTHORITY / PURPOSES		Page	Comment / Suggestion	Possible Action
1310	1. Section 1310.2 should refer to the <a href="http://websoilsurvey.nrcs.usda.gov">websoilsurvey.nrcs.usda.gov</a> or <a href="http://ct.nrcs.usda.gov/soils">ct.nrcs.usda.gov/soils</a> or <a href="http://cteco.uconn.edu">cteco.uconn.edu</a> websites for online soil maps. Thea map entitled Soil Survey, Town of Kent, is not valid anymore.			Change Recommended
1400	2. Why are the regulations set up so that things are prohibited if not specifically permitted?		To prevent new things from happening before the PZC can adopt regulations to prevent.	No Change Needed?
2000 WORDS AND TERMS		Page	Comment / Suggestion	Possible Action
2200	3. Consider adding a definition for “affordable housing” or “affordable units” since this terminology is used multiple times in the regulations.	7?		PZC Discuss
2200	4. In section 2200 (Definitions), Buildable land still excludes slopes over 15%; should be 25%.	9	The term “buildable land” is only used three times. Land over 15% slope is excluded from: <ul style="list-style-type: none"> <li>• being used to compute lot area in 3330 (RU-2 – Birch Hill), and</li> <li>• from determine the number of units in 4400 (Affordable Housing).</li> </ul>	No Change Needed?
3000 RESIDENTIAL DISTRICTS		Page	Comment / Suggestion	Possible Action
Gross Vehicle Weight 3131 / 3231 / 3331	5. Look at the limit in the regulations for 11,000 gross vehicle weight. Suggests regulations use 19,500 gross vehicle weight		ZEO to look at?	PZC Discuss
3131 - Animals	6. Do we want to relax standards relative to the keeping of animals in the VR and RU-2? Go to animal units?		Limited in VR (3131.3.c) and RU-2 (3331.4.c) to one grazing animal per acre of land	No Change Needed?
3132 / 3134 3232 / 3234 3332 / 3334	7. Accessory buildings in front of principal buildings need special permits, but can't an exception be made for ones that are set back from the road say at least 100 feet?		May also want to consider adding language to 3400	PZC Discuss
3231	8. Request to restrict the keeping of animals in the RU-1? Go to animal units?		Current provision is “rural-friendly”	No Change Needed?



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3331	9. Do we want to relax standards relative to the keeping of animals in the VR and RU-2? Go to animal units?		Limited in VR (3131.3.c) and RU-2 (3331.4.c) to one grazing animal per acre of land	No Change Needed?
3224	10. Should hospitals / nursing homes be allowed in a Rural District (Section 3224.8)			No Change Needed?
3240	11. In section 3200, refer to the soil map cited in Section 1310.			Change Recommended
3240	12. Will the increase in minimum lot size from one- to two-acres in the RU-1 make housing less affordable?		See Section 9119 and 5200 also.	No Change Needed?
3240	13. In section 3240, soil code #17 listed twice in the Soil Categorization Table		Leave in poorly drained and delete in silt, c;lay, etc.	Change Recommended
3240	14. The soil maps should not be the final word though when reviewing land use applications, since they are not accurate and detailed enough for parcel scale usage. Some field testing will still be required in most cases.		Note to this effect is included in the minimum lot area table in Section 3240	No Change Needed?
3300	15. In the Birch Hill District, the right-of-way width should be 20 feet, not 25 feet.		Not sure where this goes	PZC Discuss
3400	16. Take the word "Incentive" out of the title of Section 3400?			PZC Discuss
3410	17. Does the PZC want the Village Incentive Housing to be: <ul style="list-style-type: none"> <li>a "grounded zone" that governs any development in the district or</li> <li>an "overlay zone" where a property owner or developer could decide whether they wanted to opt in or not.</li> </ul> The <u>text</u> in Section 3400 is configured as a "grounded zone" while the <u>zoning map</u> implies an "overlay zone" The Village Mixed Use (Section 5900) was set up as an overlay.	31	Is it an overlay zone or a grounded zone? Should Reconcile Map And Text	PZC Discuss
3410	18. [Since the] Village Incentive Housing (3400) is not an overlay district it must have replaced a section of the VC; or <u>is it still available for commercial development?</u>		Is it an overlay zone or a grounded zone?	PZC Discuss
3410	19. How will you enforce the lofty goals of a mixed housing area? On the WilliamPittSotheby's website the parcel is presently marketed for an active adult or upscale residential community.		Is it an overlay zone or a grounded zone?	PZC Discuss
3420 / 3450 - Density	20. Does PZC want to allow for more density in the Village Incentive Housing District?			PZC Discuss



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3420 / 3450 - Density	21. Doesn't feel that the Village Incentive Housing encourages housing. The density is essentially the same as VR-1 or VR-2.			PZC Discuss
3420 / 3450 - Density	22. I am surprised that in 3420.2 only 4 units per acre are allowed whereas in 3124.8 only 4000 SF per unit is required in the VR district (= 10 units per acre).			PZC Discuss
3420	23. 3420.4 requires ≥20% of units to be affordable, but in 3450.6&7 a ratio of 1:3 is required, which would make for 25% affordable units.		3420 is about the total number of affordable units upon full development. Other sections allow some flexibility of phasing during construction.	No Change Needed?
3440 – Area / Dimension	24. 3440 refers to 3140, but is superseded by 3420.		Change 3440 to read "Unless otherwise specified in Section 3420, area and dimensional ..."	Change Recommended
3440 - Height	25. Do we want to allow for greater building height in the Village Incentive Housing District? If buildings tucked up against the hill, might not really see the height and this might allow more land to be kept open now or more land available for future development later.			PZC Discuss
3450 - Review	26. For the Village Incentive Housing, the proposed regulations require Special Permit approval from the PZC <u>and</u> design review in accordance with Section 5100. Does the PZC want both of these or is Special Permit enough? (property is in KVOD today)			PZC Discuss
<b>4000 BUSINESS DISTRICTS</b>		Page	Comment / Suggestion	Possible Action
4120	27. Does the PZC want to allow multi-family developments in the Village Commercial District (section 4100)? Single-family and two-family homes are already allowed by Zoning Permit and mixed use housing would be allowed by Section 5900. Already have multi-family housing nearby.			PZC Discuss
4120	28. Would like the PZC to consider allowing drive-up windows.			PZC Discuss
4140	29. Does the PZC want to revisit building height limits (35') in the Village Commercial District?			PZC Discuss
4320	30. Why is site contractor not a permitted use in the industrial zone? In the Village Commercial, It is allowed as accessory to a contractors office and then this is allowed by Special Permit in the Industrial Zone (see 4124 # 22).			PZC Discuss

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4320	31. Why is auto repair not a permitted use in the industrial zone?			PZC Discuss
4320	32. The Industrial District seems like the wrong place to have a farm (4321) or affordable housing (4324.2).			PZC Discuss
4320	33. 4324.1 seems overly broad; I would think that the district, small as it is, should be limited to uses that are not compatible with residential or retail commercial.			PZC Discuss
4340	34. The setbacks in I-A seem too large given that these lots are only about 200 feet deep.			PZC Discuss
4350	35. The Kent Village Overlay District (5100) as of now includes the Industrial District, but no reference is made in 4300.		Add the same note as 4150.3	Change Recommended
<b>5000 SPECIAL DISTRICTS</b>		Page	Comment / Suggestion	Possible Action
5100	36. It would be good if the PZC would modify Section 5130 #3 to allow for up to two alternates so the ARB can have a quorum and conduct business if regular members are unable to attend.			Change Recommended
5100	37. Revisit KVOB language re public and private roads?		CGS Section 8-2j(b) specifically limits to "...in view from public roadways ..."	No Change Needed?
5100	38. Since 5120.2 refers to within view from public roads much of the Kent Barns shopping center, Kent Green and the VIH and VMUOD areas are part of but not regulated under this district. Is that how you want it to be?		CGS Section 8-2j(b) specifically limits to "...in view from public roadways ..."	No Change Needed?
4350	39. The Kent Village Overlay District (5100) [does not include] ...part of the town transfer station and the South Commons development, but probably should be, as well as all of Kent Greenhouse and the Kent Center School.			PZC Discuss
5200	40. In section 5200, refer to the soil map cited in Section 1310.			Change Recommended
5240	41. In 5240.1 first paragraph it might be better to say ".....analysis map prepared by a qualified professional", since natural resource analysts, geographers, land planners, and others may be better qualified than the mentioned ones.		Change to "qualified professional"	Change Recommended



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5240	42. You have justifiably made the change to not count slopes of >25% as part of the minimum lot acreage instead of >15%. But in section 5240 (Conservation Development OD) you still list slopes of >15% as steep slopes and Primary Conservation Areas. In 5250 those areas are excluded from minimum lot area requirements. Clearly only slopes over 25% should fall in that category. Moderate slopes of 15-25% could be listed under Secondary Conservation Areas or not mentioned in either since they don't have innate conservation value and are buildable.		Designate steep slopes (25 percent or more) as primary conservation areas and designate steep slopes (15 percent to 25 percent) as secondary conservation areas	Change Recommended
5250	43. In 5250 the 1 and 2 acre minimums and criteria used are not logical since they are not based on soils and bear no relation to the Soil Categorization used in 3240. It also doesn't allow 1 acre lots along existing roads since 100' strips along the roads are listed as Secondary Conservation Areas. Wouldn't it be more consistent to instead use the same method as in 3240, but require only half the acreage: on A soils 1 acre, on B soils 1.5 acres, on C soils 2.5 acres? With the provisions of 5240 the commission should be able to steer development away from the conservation areas. Allow for shorter front setbacks on interior roads and allow for narrower interior roads. Require an extra 50' or 100' buffer separating developed areas from neighboring properties.		The overall density of the development and number of units is based on soils but there is flexibility in the location of the unit and the septic system. The septic system will still need to comply with the health code.	No Change Needed?
5500	44. Does the PZC want to include a graphic showing how the 75 foot setback is measured in the Housatonic River Overlay District (Section 5500).			No Change Needed?
5900	45. Does the PZC want to remove the requirement that 20% of the units in a Village Mixed Use development (Section 5900) be deed-restricted as affordable? The units may be "naturally affordable" and the requirement for deed-restricted units may be a challenge to such development.			PZC Discuss
5940	46. Why does Section 5940 limit housing to a two-bedroom <u>average</u> ? Should we even have a specification for unit mix?			PZC Discuss
5900	47. Why is the dwelling density in the Village Mixed Use Overlay District (5900) so much higher, at max. 12 units per acre?			PZC Discuss

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5900	48. The affordable unit ratios in 5920 and 5940.1 don't seem to match.		Seem consistent	No Change Needed?
<b>6000 USE-RELATED STANDARDS</b>		Page	Comment / Suggestion	Possible Action
6200	49. I am glad that a special permit is no longer required for most accessory apartments in section 6200, since they can provide more affordable dwelling units. But I noted that those changes have not been made yet in the sections describing the various districts, such as in 3134.4, 3234.8, 4134.3 and 4234.5.		Check other sections for consistency with 6200	Change Recommended
6400	50. The Affordable Housing section 6400 allows up to 4 units per acre of buildable land, with up to 10 units per acre of buildable land in the village. I find it confusing to see so many different densities used in 3100, 3400, 5900 and 6400.			PZC Discuss
6400	51. Would like for the regulations to make greater provision for affordability. Where will our children live? Why does it have to be run by the Town or the State?			PZC Discuss
<b>7000 ENVIRONMENTAL STANDARDS</b>		Page	Comment / Suggestion	Possible Action
7120	52. Section 7120.7 seems to include fracking waste. You will be aware that a number of towns in Connecticut have adopted ordinances to ban fracking waste. Do you think this standard achieves the same goal, or might a town ordinance still be needed? Does this section also apply to the town Public Works Department and the contractors it uses?		Town ordinance may be more effective than a zoning regulation.	No Change Needed?
7400	53. In the Earthwork Activities section 7400 there don't seem to be upper limits on the amount of grading allowed within a parcel (by right) or of filling or excavating (by special permit). On top of that in 7450 sections from previous drafts have been dropped that gave the commission the express authority to preserve the existing topography and trees and set operation times and duration.			PZC Discuss



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<b>8000 DEVELOPMENT STANDARDS</b>		Page	Comment / Suggestion	Possible Action
8320	54. In section 8320.4 driveways are now limited to max 10% grade, but 8340.2e says 15%. Either leave out 8320.4 or limit the average grade of a driveway to 10%, with up to 15% allowed in stretches.		8320 is driveways for non-residential uses. Text on maximum slope in 8340 could be moved to 8330	PZC Discuss
8700	55. Section 8700 exempts single-family dwellings from the stormwater management requirements. Does the PZC want to change this language to apply the stormwater standards to single-family dwellings in the Inner Corridor section of the Housatonic River Overlay District.		Could state that single family dwellings in the inner corridor are not exempt from stormwater management requirements.	PZC Discuss
8700	56. Section 8700 Stormwater Management could be stronger in promoting Low Impact Development methods, e.g. instead of "may utilize LID" in 8730.2 make it the preferred approach, and expand on it a bit.		Standards in 8730.1 might only be able to be met through LID techniques.	No Change Needed?
8700	57. In 8730.1 also list the LID Appendices of the CSQM.			Change Recommended
8700	58. Reference to LID also needs to be made in the Parking section (8260.5).		Parking areas are an important element for meeting the standards in 8730.1 but the goal is for the overall site to conform	No Change Needed?
	59. It would also recommend adding maximum impervious surface percentages to the various Area and Dimensional Standards sections.		The LID standards in 8730 will encourage this.	PZC Discuss
<b>9000 SPECIAL PROVISIONS</b>		Page	Comment / Suggestion	Possible Action
9300	60. Would like for regulations to allow for a temporary trailer for someone to live in when a house is under construction.		Section 9300.3 allows use of a garage or barn for this purpose but would not allow a trailer	No Change Needed?
<b>10000 PROCEDURES</b>		Page	Comment / Suggestion	Possible Action
	61. Does the PZC want to allow for some application requirements to be waived?			PZC Discuss

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<b>ZONING MAP</b>		<b>Page</b>	<b>Comment / Suggestion</b>	<b>Possible Action</b>
	62. Can the various overlay districts be shown in this book and web version of the regulations ... like has been done for the Aquifers? Previous drafts did have a Horizon-line District map. Also include versions of the soil class map and the town's wetlands map.			PZC Discuss
	63. On the final zoning maps can the individual parcels be shown? The tax assessor and HVA have a parcel layer. It would be great to have all the maps on the town website too.			PZC Discuss

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BY

*D. Bailey*  
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