

TOWN OF KENT
PLANNING AND ZONING COMMISSION
41 Kent Green Boulevard
P.O. Box 678
Kent, CT 06757
Phone (860) 927-4625 Fax (860) 927-4541

JANUARY 14, 2021 REGULAR MEETING MINUTES
VIA ZOOM CONFERENCE

The Town of Kent Planning and Zoning Commission held a regular meeting on Thursday, January 14, 2021 at 7:00 p.m.

1. CALL TO ORDER

Chair Winter called the meeting to order at 7:03 p.m.

2. ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED

Commissioners Present: Matthew Winter, Karen Casey, Adam Manes, Darrell Cherniske
Alice Hicks, Wes Wyrick, Marc Weingarten, Anne McAndrew

Staff Present: Donna Hayes, Land Use Administrator and Tai Kern, Land Use Clerk

3. READING AND APPROVAL OF MINUTES:

3.A. Regular Meeting Minutes of December 10, 2020.

Under 6.B.3. "Marc Weingarten" was corrected and clarified as "Secretary/Treasurer"

Mr. Manes moved to approve the Regular Meeting Minutes of December 10, 2020 as amended. Ms. Casey seconded and the motion carried unanimously.

4. PUBLIC COMMUNICATIONS (ORAL):

N/A

5. OLD BUSINESS:

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

5.A.1. Application #'s 81-20C and 82-20SP, Campland, Inc., 70 Kenmont Road, Map 15 Block 22 Lot 106, after the fact construction of two waterside sheds for weather protection.

Attorney Bill Manasse came forward to represent the applicants. Donna Hayes noted that IWC approval has not been granted.

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Bill Manasse reported that these are essentially sheds. This is not extra housing. They are utilized as changing facilities or a place to get out of rain for campers if they are at the beach during a storm. One of the sheds is a replacement for what was already existing.

Donna Hayes confirmed that all activities on this property are by Special Permits. Chair Winter questioned whether a baseline should be established at this time.

Chair Winter opened the floor for public comment. There was no one who wished to comment.

Karen Casey and Wes Wyrick suggested that this matter be tabled until the IWC approval is granted as this is directly on the water. Adam Manes agreed and noted that there is no reason to rush a decision since this is an after-the-fact permit. This will allow time to establish a baseline for the site with regard to the number of campers permitted. Additionally, distances from the property lines and IWC approval should be provided.

Screening was discussed and Mrs. Hayes reported that she feels that would create more disturbance in the wetland area and this may not be something the IWC would be in agreement about.

Mr. Wyrick moved to table Application #'s 81-20C and 82-20SP, Campland, Inc., 70 Kenmont Road, Map 15 Block 22 Lot 106, after the fact construction of two waterside sheds for weather protection. Mr. Cherniske seconded and the motion carried unanimously.

5.B. DISCUSSION AND POSSIBLE DECISION

5.B.1. Planning schedule for the rewrite of the Subdivision Regulations dated June 1, 1995.

Mr. Wyrick moved to continue the planning schedule for the rewrite of the Subdivision Regulations until the next meeting. Mr. Manes seconded and the motion carried unanimously.

6. NEW BUSINESS:

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

6.A.1. Application #'s 90-20SP and 91-20C, Matthew and Heather Hannan, 25 Good Hill Estates Road, Map 9 Block 22 Lot 38, conversion of existing detached guest house to detached dwelling unit.

Adam Manes recused himself and Anne McAndrew was seated as a voting member.

Chair Winter opened the public hearing at 7:41 p.m. and read aloud the legal notice of this public hearing. Donna Hayes reviewed the staff report for this proposal noting that work had been previously done with the condition that a change use to detached dwelling unit be applied for should a kitchen be added to the structure. There is no approval from TAHD at this time. A small part of the parcel is in the HorizonLine District.

Mrs. Hannan came forward and reported that this would only be interior work. The proposal is for a bathroom, two bedrooms and a small kitchen.

Chair Winter looked for questions or comments from the public or commission members. There were none.

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Mr. Wyrick moved to close the public hearing at 7:53 p.m. for Application #'s 90-20SP and 91-20C, Matthew and Heather Hannan, 25 Good Hill Estates Road, Map 9 Block 22 Lot 38, conversion of existing detached guest house to detached dwelling unit. Mr. Manes seconded and the motion carried unanimously.

Mr. Weingarten moved to grant waivers requested for Application #'s 90-20SP and 91-20C, Matthew and Heather Hannan, 25 Good Hill Estates Road, Map 9 Block 22 Lot 38, conversion of existing detached guest house to detached dwelling unit. Mr. Cherniske seconded and the motion carried unanimously.

Mr. Weingarten moved to approve Application #'s 90-20SP and 91-20C, Matthew and Heather Hannan, 25 Good Hill Estates Road, Map 9 Block 22 Lot 38, conversion of existing detached guest house to detached dwelling unit. Mr. Wyrick seconded and the motion carried unanimously.

Adam Manes was reseated and Anne McAndrew stepped down from voting status.

6.B. DISCUSSION AND POSSIBLE DECISION

6.B.1. Paul Szymanski, Arthur H. Howland, LLC, proposed changes to Section 5, Conservation Development of the Subdivision Regulations and Section 3160, Village Residential Conservation Development Overlay District of the existing Zoning Regulations.

Chair Winter clarified that there is currently no section 3160. This is something Mr. Szymanski is proposing.

Mr. Szymanski came forward and explained that he mimicked RU1 regulations to develop VR1 and VR2 and then slightly decreased the open space as it relates to lot sizes. This concept is less dense than the existing Multiple Dwelling Regulations. Setbacks would slightly decrease as well. Coverage was decreased creating less impervious surfaces. He volunteered to submit a point-by-point comparison.

The group suggested that Glenn Chalder be retained as a consultant to the Commission to review this proposal.

Mr. Weingarten moved to retain Glenn Chalder to review Paul Szymanski, Arthur H. Howland, LLC, proposed changes to Section 5, Conservation Development of the Subdivision Regulations and Section 3160, Village Residential Conservation Development Overlay District of the existing Zoning Regulations. Mr. Manes seconded and the motion carried unanimously.

Chair Winter noted that they would have to determine if this would be town sewer or a soil based approach. Paul Szymanski agreed to do some research regarding this matter.

Mr. Manes moved to table Paul Szymanski, Arthur H. Howland, LLC, proposed changes to Section 5, Conservation Development of the Subdivision Regulations and Section 3160, Village Residential Conservation Development Overlay District of the existing Zoning Regulations. Mr. Wyrick seconded and the motion carried unanimously.

Mr. Manes moved to move forward on the agenda 6.B.3 and 6.B.4. Mr. Weingarten seconded and the motion carried unanimously.

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- 6.B.3. Proposal by Gina Olson, owner of Chestnut Woodworking & Antique Flooring Co. and Tarot in Thyme, for outdoor shopping and monthly music events, 31 North Main Street, Map 19 Block 14 Lot 1.

Donna Hayes reported that during Covid music events were permitted on a small scale to this business. Ms. Olson has requested to do sidewalk type sales with music on a regular basis.

Gina Olson came forward and explained that this would be helpful for business as many are not interested in shopping inside businesses lately. She would allow one guest vendor to set up outside her store per weekend.

Anne McAndrew suggested that she work through the Chamber to set up a schedule to allow all the businesses the opportunity to participate. Marc Weingarten noted that he feels that 3rd party vendors seems too much like a flea market. Alice Hicks noted concerns with traffic. Karen Casey suggested taking items on consignment instead of 3rd party vending. Darrell Cherniske noted that not every business has the opportunity to be creative in the same way. Since this property has a large front yard they should be allowed to utilize it.

The group reviewed Section 4131.4 regarding the display of merchandise as of right. The Commission considered extending the number of feet permitted during this difficult time. It was agreed that the Chamber should be reached out to and a representative should be asked to come forward with their thoughts at next month's meeting.

- 6.B.4. Request for determination from the Commission for conversion of 9, 11 and 13 Railroad Street to multi-family residential use.

Karen Casey recused herself and Anne McAndrew was elevated to voting status.

Donna Hayes explained that there is nothing in the Regulations that will allow this configuration of a multi-family residential use. The proposal is to change the Regulations to bring the Village Center Residential 1 to the Commercial District.

Mr. McPhee and Mr. Kokoris came forward and explained that these units would be better utilized as residential and noted that they would like to do this in keeping with the character of Kent. The configuration would be a studio, 1 one-bedroom and 1 two-bedroom units.

The group agreed to ask Glenn Chalder to consult with regard to this matter.

Steve Peneer came forward and suggested that this proposal falls under page 60 of the Regulations; the adaptation for "multi-family use" and this should not be interpreted as a "multi-family building".

The members agreed that Donna Hayes will consult with Glenn Chalder to determine if this fits within the existing regulations or to assist with the possibility of adding this use.

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3A.

The applicant questioned whether they could attach two of the structures and use the remaining as an accessory. Chair Winter suggested that Mr. Pender review the setbacks to see if this would be permitted.

Karen Casey was reseated and Anne McAndrew stepped down.

6.B.2. 2012 Town of Kent POCD – Review and possible changes of page 1 – 18

Mr. Wyrick moved to table 2012 Town of Kent POCD – Review and possible changes of page 1 – 18. Mr. Manes seconded and the motion carried unanimously.

6.B.5. Food Trucks

It was agreed this would be removed from the agenda and research regarding how other towns will handle this matter will be done.

7. STAFF REPORT:

N/A

8. REPORT OF OFFICERS AND COMMITTEES:

8.A. Subdivision Regulation Sub-Committee -.

Previously tabled

9. OTHER COMMUNICATIONS AND CORRESPONDENCE:

- 9.A. Administrative Permits and Certificates of Compliance – December 7, 2020 to January 8, 2021. Confirmed received.**
- 9.B. Member listing with 2021 meeting dates. Confirmed received**
- 9.C. Letter from Ellen Altfest, Rob Colvin, Jr., Karen Altfest and Lewis Altfest with attachments undated but received by the Land Use Office on January 12, 2021, regarding 47 Carter Road Map 14 Block 21 Lot 17.**

Ellen Altfest questioned what can be done when a powerful organization does not comply with the rules.

Chair Winter confirmed that the existing residence was to be used for staff housing. He questioned what they are doing that is in violation.

Adam Manes noted they have purchased several properties on Carter Road. Karen Altfest explained that they are pushing everybody on Carter Road out. Chair Winter stated that this may be the case, but there is nothing that can be done if they are not in violation.

Ellen Altfest reported that this house was supposed to be used for staff and it is a sober home. Donna Hayes explained that these are people that finished the program and are now working for High Watch. Ellen Altfest

suggested that this is something that can be determined by inspection. Additionally, they have added a huge farming operation and not just a few plants as stated as part of the application.

Chair Winter explained that, while the Commission understands the neighbors' frustrations, without a violation the Zoning Commission has no jurisdiction to do anything. Karen Casey agreed and added that it may be too late to save this neighborhood. The expansions were approved as per the Zoning Regulations.

Mr. Weingarten stepped down at 10:25 p.m. noting that the Commission has spent an abundance of time considering High Watch. Anne McAndrew was seated as a voting member.

10. EXECUTIVE SESSION: Pending Litigation: High Watch Recovery Center, Inc. v Town of Kent Planning and Zoning Commission in Superior Court, Judicial District of Litchfield at Torrington dated November 27, 2020. Discussion of strategy and negotiations with legal counsel.

Mr. Winter moved to enter into Executive Session at 10:29 p.m. regarding High Watch Recovery Center, Inc. v. Town of Kent Planning and Zoning Commission in Superior Court, Judicial District of Litchfield at Torrington dated November 27, 2020. Discussion of strategy and negotiations with legal counsel. Mr. Manes seconded and the motion carried unanimously.

Mr. Manes moved to exit Executive Session at 10:39 p.m. regarding High Watch Recovery Center, Inc. v Town of Kent Planning and Zoning Commission in Superior Court, Judicial District of Litchfield at Torrington dated November 27, 2020. Discussion of strategy and negotiations with legal counsel. Ms. Casey seconded and the motion carried unanimously.

11. Open session involving discussion and possible action on Pending Litigation: High Watch Recovery Center, Inc. v Town of Kent Planning and Zoning Commission in Superior Court, Judicial District of Litchfield at Torrington dated November 27, 2020.

Mr. Manes moved to follow the recommendations of the Attorney and have Donna Hayes report back to the Commission as this matter progresses. Ms. Casey seconded and the motion carried unanimously.

ADJOURNMENT

Mr. Manes moved to adjourn at 10:43 p.m. Mr. Cherniske seconded and the motion carried unanimously.

Respectfully submitted,

Tai Kern

Tai Kern, Land Use Clerk

RECEIVED

By Darlene Brady at 9:29 am, Feb 02, 2021

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PLANNING AND ZONING COMMISSION**

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Phone (860) 927-4625 Fax (860) 927-4541

JANUARY 27, 2021 SPECIAL MEETING MINUTES
VIA ZOOM CONFERENCE

The Town of Kent Planning and Zoning Commission held a regular meeting on Thursday, January 27, 2021 at 6:30 p.m.

1. CALL TO ORDER

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

2. ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED

Commissioners Present: Matthew Winter, Karen Casey, Adam Manes, Darrell Cherniske
Alice Hicks, Wes Wyrick, Marc Weingarten, David Birnbaum

Staff Present: Donna Hayes, Land Use Administrator and Tai Kern, Land Use Clerk

3. READING AND APPROVAL OF MINUTES:

3.A. Town of Kent POCD – Review and possible changes to pages 1 – 18 of the 2012 version of the POCD in preparation for 2022 POCD.

The group spent some time discussing their approach to this process. The members agreed to begin a review and then at some point they will hire a consultant to offer suggestions and assist in putting the rewrite together. Donna Hayes reported that she reached out to all of the stake holders to invite them to participate in this process.

Virginia Bush Suttman noted how outdated the section on housing is and offered to provide suggestions and rewrite the affordable housing section. She stated that there needs to be a town position related to housing.

It was agreed that throughout the PoCD all the tables and charts must be updated. The approach to this PoCD is to update what was adopted in 2012. Therefore, tense issues should be updated throughout the plan.

The members agreed that the mention of art galleries should be included in plan.

Donna Hayes will contact the Conservation Commission to determine whether a new comprehensive inventory has been published. Regardless, the reference to 2009 will be removed. It was noted that Appendix L was never linked to the document on the website because it had never been received.

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The State of Our Town as produced by NWCoG (Appendix G) will be reviewed to confirm they are still in agreement. Also, it will be confirmed that the reference to Section 8-23 in the Statute is still accurate. Survey Responses should be dated as 2011. It was noted that the HorizonLine is a completed action.

It was questioned whether the water quality study is still pending for Hatch Pond. Any additional water quality issues should be requested from Conservation Commission. It must be determined whether the Town Character Study has been updated since 1990 or if the 1990 study still relevant to reference. The group noted that the Subdivision Regulations are currently under review and the plan will be reflected as such. It continues to be the Commission's belief that a Land Acquisition Fund should be established.

The group agreed to review the action tables at a later date. It was suggested that responsible parties for the actions be identified.

Donna Hayes agreed to research underground oil tanks regulations. David Birnbaum will draft text to add regarding environmental issues to insert on page 16. The group was reminded that the lighting standards have changed.

The Commission decided that a Special Meeting will be held each month for PoCD review with a two hour time limit. The next meeting will begin with a discussion regarding the process and then will review pages 19 through 30.

ADJOURNMENT

Mr. Weingarten moved to adjourn at 9:00 p.m. Mr. Cherniske seconded and the motion carried unanimously.

Respectfully submitted,

Tai Kern

Tai Kern, Land Use for a Clerk

FILE HISTORY
 CAMPLAND, INC.
 10/22/51

See Staff Report dated September 1, 2005 for historical information from 1967 to 2003.

- On June 27, 1995, the State of Connecticut Department of Public Health and Addiction Services approved with conditions the construction of a 30x60 outdoor swimming pool.
 - On June 30, 1995, permit #37-95CP was issued for the construction of a 30x60 pool
 - On April 26, 1996, a Zoning Compliance was issued.
- On October 14, 1999, the P&Z Commission voted to approve the winterization of Cottage D. The use of the cottage was restricted to living quarters for the caretaker.
 - The original request was to winterize both Cottage D and the Lodge/Longhouse. The renovation to the Lodge/Longhouse request was withdrawn.
 - TAHD approved with conditions that water meters be installed along with a new waste line to the tank.
 - Permit #100-99CP was issued on October 29, 1999.
- In a memo dated July 7, 2000, Judith Wick, ZEO, wrote to the Commission about a conversation she had with the owner of the camp. Mr. Miskit would like to reconstruct buildings 13 – 18, which had not been used recent year and were allowed to fall into a state of disrepair. The reconstruction would accommodate the same number of boys, but the owner would like to have three double bunks similar to the others in the crest rather than six separate buildings.
- At the September 14, 2000 P&Z meeting, permission was granted for the placement of a storage container as a minor revision to the existing special use permit.
 - On September 29, 2000, permit #95-00CP was issued for the installation.
- On October 21, 2001, they applied for a modification to the special permit to install a 40' x 80 blacktop pad underneath a previously approved seasonal tent rental.
 - The modification was tabled at the November P&Z meeting due to insufficient information to determine if a public hearing should be required.
 - On December 13, 2001, Permit #137-01CP was granted after determining that the modification did not require a public hearing.
 - On December 21, 2001, permit #53-00CP was issued for the installation of the blacktop pad.
- On April 5, 2003, they applied for a storage trailer/container to provide safe storage for beds, tables, chair, etc.
 - According to a memo to the P&Z Commission, the commission approved a second trailer in March of last year and at that time indicated that no other trailers would be allowed.
 - It was suggested that this could be a minor modification to their special permit and not require a public hearing.
 - On April 10, 2003, the commission denied the request due to the March approval.
 - On April 22, 2003, a Zoning Compliance was issued for 95-00CP and 19-02CP, storage trailers.
- On September 18, 2003, a letter was sent to the P&Z Commission regarding applications 108-03C (minor modification) and 109-03SP (Deck addition) withdrawing the applications because they were postponing the work until a future date.
- On July 19, 2005, special permit application #73-05SP and site plan application #74-05C were submitted for a 19' x 24' deck on the Health Center.
 - Both were approved by the Commission on September 8, 2005.
 - The special permit was filed on the land records on September 13, 2005.
 - TAHD approved stating that "documentation of leach field locations must be researched and submitted to our office prior to any further addition approvals at the Camp. DEP has requested our office to walk all of the septic system areas during the first week of August 2006. Please contact our office in July 2006 to set up that appointment."
 - Zoning permit #97-05AP was issued on October 13, 2005.

- Certificate of Compliance was issued on June 22, 2006.
- See attached staff report of additional history of the camp.
- On September 1, 2005, special permit application #94-05SP and site plan application 95-05C were submitted for an addition/deck to the Troche/Shower House.
 - Both were approved by the Commission on October 13, 2005.
 - TAHD approved and their approval states "living space with kitchen 12 x 30; deck addition. Verbal approved was given by the DEP. A condition of approval was applied for water meter readings and recorded on a daily basis by a camp representative.
 - The special permit was filed on the land records on April 11, 2006.
 - Residential zoning permit #42-06AP was issued on April 12, 2006.
 - A Certificate of Compliance was issued on June 22, 2006.
- On January 3, 2006, application 01-06SP and 02-06C were submitted for the lighting of the soccer/football field.
 - A variance had been granted at the ZBA's regular meeting of December 13, 2005.
 - At the regular P&Z meeting of March 9, 2006, the Commission approved with conditions applications 01-06SP and 02-06C.
 - The resolution of approval was filed on the land records on March 28, 2006.
- On January 3, 2006, application #03-06SP and #04-06C were submitted for "art & craft building @summer camp expansion w/handicap access renovation add 2 classrooms and better access and egress". It was further clarified that this applied to the girls rec building.
 - A variance had been granted at the ZBA's regular meeting of November 15, 2005.
 - The Commission approved the applications on March 9, 2006.
 - The special was filed on the land records on March 28, 2006.
 - TAHD approved the additional and "determined that the area where the classrooms are going will not interfere with future septic system expansion. No increase in water usage is proposed. No plumbing will be installed in the addition."
 - Permit #41-06AP was granted on April 12, 2006.
 - A Temporary Certificate of Compliance was issued on June 22, 2006 stating that the arts and crafts building addition (60' x 24') was complete but the handicap ramp and deck were not completed.
- On November 2, 2006 applications 148-06SP and 147-06C were submitted for the replacement of two temporary handicapped ramps with two permanent handicapped ramps, expansion of an existing deck and the moving of one handicapped ramp.
 - A variance was granted on October 10, 2006.
 - A Resolution of approval with conditions was granted at the regular meeting of P&Z on December 14, 2006.
 - The special permit was filed on the land records on January 16, 2007.
 - TAHD, along with the DEP approved on January 17, 2007.
 - Zoning Permit #08-07AP was issued on January 29, 2007.
- On January 10, 2008, applications #132-07SP and 131-07C were approved for the construction of two storage buildings (one in the go-cart pit area and the other on the golf course).
 - Permit 21-08AP was issued on March 10, 2008 for the 26' x 60 storage building.
 - TAHD approved on January 30, 2008, with the condition that soil testing be done in the spring of 2008 to show code compliant septic areas for facility. Verbal approval from Warren Herzig, DEP.
 - Permit #36-08AP was issued on April 8, 2008 for the installation of the 20' x 40' go cart building.
 - TAHD approved on April 8, 2008 with no plumbing and placement a minimum of 10' from septic system to building.

- On November 13, 2008, P&Z approved #125-08SP and 126-08C for a use change from arts and crafts to Boys cabin.
 - On February 2, 2009, permit #005-09AP was issued for the “use change from arts and crafts to boys cabin”
 - TAHD approved on January 27, 2009 with conditions: no additional campers, low water use fixtures to be installed. Identification of septic system service this building; installation of water meter within 2 years; soil testing to be conducted to establish alternate septic repair areas.
- On June 3, 2013, permit #44-13AP was issued for the construction of two 5’ x 5’ concrete pads, two access ramps and 2 parking spaces. A change of use from bunk room to meeting room as also approved.
 - A variance was granted on May 14, 2013 via appeal #01-13.
 - TAHD approved on April 9, 2013.
- On January 11, 2018, the P&Z approved with conditions applications 101-17C and 102-17SP for the addition of a covered porch to the Boys’ arts and crafts building.
 - The special permit was filed on the land records on July 24, 2018.
 - TAHD approved with conditions of approval (no plumbing – no living space) on December 19, 2017.
 - A zoning permit application was sent to the applicant for signature, but was never returned with the fee; no permit for the construction was ever issued.

VARIANCES

- Variance #5, dated March 27, 1967, for the construction of an additional camp bunk house.
- Variance #50, dated March 23, 1976, for the relocation of an existing cabin to a new position 100’ from the road.
- Variance #105, dated April 4, 1984, 12’ x 12’ addition to 4 cabins to provide for additional shower and toilet facilities.
- Variance #193, dated June 30, 1998, for the reconstruction of exterior stairs to building code.
- Variance #03-03 for the construction of a deck on the dining room building. Approval also granted for the change to the ceiling height.
- Variance #09-05 for the installation of lights on an athletic field for seasonal use.
- Variance #07-05 for the expansion of arts and crafts building.
- Variance #10-06 for two permanent HC ramps, expansion of existing deck and relocation of one HC ramp at girls’ recreation building.
- Variance #01-13, dated May 14, 2013 for the construction of handicap ramps and parking area with one handicap parking space.

STATUTES AND REGULATIONS

- Under the jurisdiction of the State of Connecticut Office of Early Childhood Division of Licensing.
- Current license #YCYC.00348 expires May 31, 2021.
- Age of campers 8 – 15 years of age
- Definition of Resident Camp – established, conducted or maintained on any parcel or parcels of land on which there are dwellings intended to accommodate 5+ children who are at least 3 and under 16 for at least 72 hours and where the campers eat & sleep.

5A1

STAFF REPORT

DATE: 9/1/05

APPLICATION: 73-05SP and 74-05C

APPLICANT: Campland, Inc.

LOCATION: 65 Kenmont Road

APPLICATION FOR: 19' x 24' deck

DISTRICT: Rural District

AGENDA ITEM: 6.A.1.

Section 6.2.7: Campgrounds, youth camps or resorts, provided that the area is at least 70 acres; 8,000 square feet of lot area shall be provided for each person accommodated. All athletic and other camp facilities shall be located not less than 200 feet from any street line or other lot line. All requirements of Section 20 shall also apply.

The applicant has applied for a 19' x 24' deck and because Section 20.1 states, "All campgrounds, youth camps and resorts, hereinafter collectively referred to as "property", including those in existence at the time of the adoption of these Regulations (as amended May 4, 1984) shall not be expanded in either area, additional structures or number of sites unless a Special Permit in accordance with Section 4.3 through 4.9 has been approved..." a special permit application has been filed.

The deck is located approximately 320 feet from the front property line, 950 feet from the right side, 1,530 feet from the left side and 1,080 feet from the rear property line.

Zoning history on property:

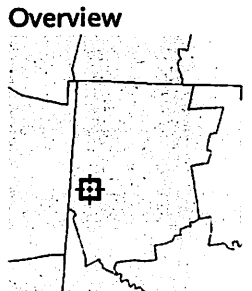
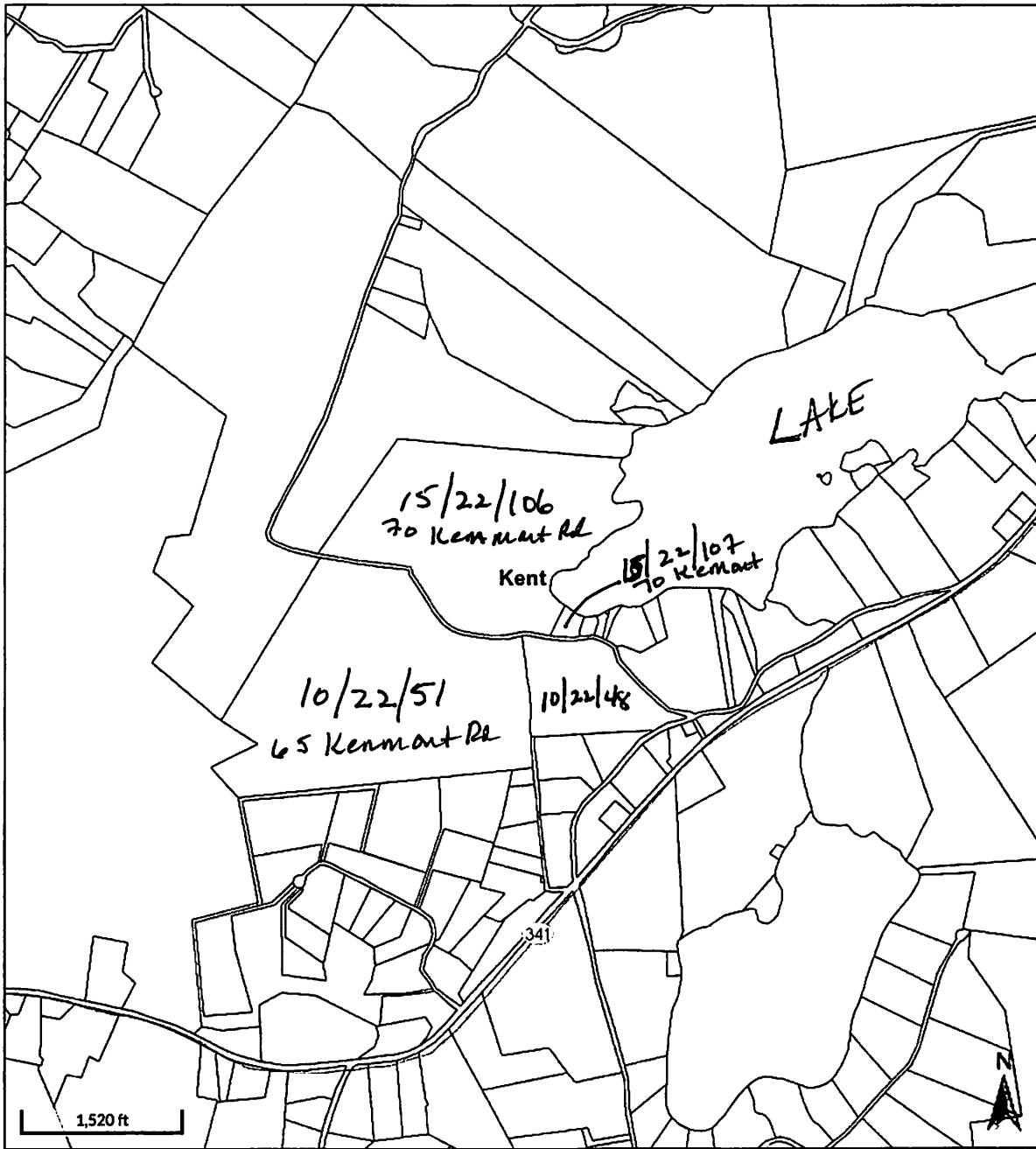
1. 4/12/67 Zoning permit #54 issued for addition to mess hall for storage area.
2. 4/12/69 Zoning permit #137 issued for addition to camp bunk house.
3. 4/12/69 Zoning permit #136 issued for camp bunk house.
4. 4/12/69 Zoning permit #135 issued for 12' x 16' cabin.
5. 5/7/69 Zoning permit #140 issued for 24' x 48' camp bunkhouse.
6. 3/12/70 Zoning permit #180 issued for replacement of three buildings.
7. 8/5/70 Zoning permit #205 issued for 130 sq. ft. office.

8. 8/5/70 Zoning permit #207 issued for 24' x 24' bunkhouse.
9. 4/6/71 Zoning permit #249 issued for 12' x 28' dining room extension.
10. 4/7/71 Zoning permit #251 issued for 12' x 50' boys social hall.
11. 3/30/73 Zoning permit #356 issued for sleeping bunk building B by variance.
12. 3/30/73 Zoning permit #355 issued for sleeping bunk building A by variance.
13. 10/8/75 Zoning permit #517 issued for 24' x 24' building.
14. 2/11/76 Zoning permit #535 issued for 24' x 48' bunkhouse.
15. 2/11/76 Zoning permit #536 issued for 24' x 24' staff cottage.
16. 4/14/76 Zoning permit #551 issued for open basketball pavilion.
17. 2/8/77 Zoning permit #596 issued for 16' x 30' bunkhouse.
18. 3/8/78 Zoning permit #687 issued for 28' x 56' bunkhouse.
19. 6/5/78 Zoning permit #716 issued for 24' x 32' replacement of living quarters over burned out kitchen dining area.
20. 6/5/78 Zoning permit #794 issued for fire rebuild of dining hall and kitchen.
21. 9/12/79 Zoning permit #826 issued for toilet facilities.
22. 2/11/81 Zoning permit #925 issued for 24' x 24' building.
23. 8/10/81 Zoning permit #966 issued for 30' x 60' open pavilion.
24. 8/30/81 Zoning permit #971 issued for 4 cabin replacements.
25. 4/26/96 Zoning permit #37-95CP compliance issued for swimming pool.
26. 10/29/99 Zoning permit 100-99CP issued for winterize cottage D for use by Camp Caretaker.
27. 12/21/01 Zoning permit 53-00CP issued for blacktop pad as floor under tent.
28. 4/22/03 Zoning permits # 95-00CP and 19-02CP compliance issued for storage trailers.

If the special permit is approved, you'll need to state upon the record the reason for your decision.

The following language could be used:

"I move to approve special permit application #73-05SP and site plan application #74-05C, Campland Inc., 65 Kenmont Road, 19' x 24' deck, Map 10 Block 22 Lot 51. In granting the above special permit and site plan applications, the Commission states on its record that, in the Commission's judgment, the proposed project will conform to the requirements of the Rural District and that it satisfies the factors the Commission must consider in reviewing such applications, as set forth in the Plan of Conservation and Development and the Zoning Regulations of the Town of Kent."



- Legend**
- Parcels
 - Roads
 - City Labels

Date created: 1/25/2021
 Last Data Uploaded: 1/22/2021 11:54:49 PM

Developed by Schneider GEOSPATIAL

10/22/51 - 99.6 acres - 8 bldgs - actual year built 1935
 15/22/106 - 74 acres - 6 bldgs - actual year built 1935
 15/22/107 - 195 acres - vacant land
 10/22/48 - 20.71 acres - vacant land
 total acreage = 219.01 acres +/-

KENT PLANNING AND ZONING COMMISSION
41 KENT GREEN BOULEVARD
P.O. Box 678
KENT, CONNECTICUT 06757

TOWN OF KENT
PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING

The Town of Kent Planning and Zoning Commission shall hold a public hearing via a ZOOM meeting on Thursday, February 11, 2021 beginning at 7:00 p.m. to discuss and possibly act on: Application #'s 02-21SP and 03-21C, AEC Solar, LLC for Marvelwood School, 470 Skiff Mountain Road, Map 7 Block 16 Lot 1, installation of ground mounted solar PV system to service the Dining Hall. Any corresponding documentation will be attached to the official agenda. At this hearing, persons may participate and be heard.

PLEASE NOTE: Written communications must be received by the Land Use Office no earlier than 24 hours prior to the meeting.

The ZOOM meeting number can be located on the official agenda that will be filed on the Town of Kent's website a minimum of 24 hours prior to the official ZOOM meeting.

Matthew Winter, Chairman



6 A 1

SPECIAL PERMIT APPLICATION

PLANNING AND ZONING COMMISSION
41 Kent Green Blvd.
P.O. Box 678
Kent, CT 06757

(FOR OFFICE USE ONLY)
App #: 02-215P
Fee received: 210
Date of receipt: 1/25/21
Official date of receipt: 2/11/21

Name of property owner: Marvelwood School

Owner's mailing address: 476 Skiff Mountain Road, Kent

Applicant's telephone: 203-535-1244 E-mail address: projects@aecsolar.com

Applicant's name: AEC Solar, LLC

Applicant's address: 80 Farwell St, West Haven, CT

Applicant's telephone: 203-535-1244 E-mail address: projects@aecsolar.com

Property address: 470
476 Skiff Mountain Road : Dining Hall

Map: 7 Block: 16 Lot: 1

Zoning regulation section:

Statement of use: Installation of ground mounted solar PV system consisting of 282 modules and attachments totaling a DC rating of 114.210 kW to power the Dining Hall.

Cubic yards of fill to be deposited on the property (if any):

Yards of earth materials to be removed off the property (if any):

Is this property subject to a conservation or preservation restriction: Yes No

If so, a written notice must be sent to the party holding such restriction sixty days prior to the submittal of this application. Proof of this notice shall be attached as per CT Public Act 05-124.

Has this case gone to the Zoning Board of Appeals? Yes No
If yes, please include the approval letter from the ZBA.

Signature of applicant: Patrick Lewis Date: 1.20.21

Signature of property owner: Date:



6A1

SITE PLAN APPLICATION

PLANNING AND ZONING COMMISSION
41 Kent Green Blvd.
P.O. Box 678
Kent, CT 06757

(FOR OFFICE USE ONLY)
App. #: 03-21C
Fee received: 160
Date of receipt: 1/25/21
Official date of receipt: 2/11/21

Name of property owner: Marvelwood School
Owner's mailing address: 476 Skiff Mountain Road, Kent
Applicant's telephone: 203.535.1244 E-mail address: projects@aecsolar.com

Applicant's name: AEC Solar, LLC
Applicant's address: 80 Farwell Street, West Haven, CT 06516
Applicant's telephone: 203.535.1244 E-mail address: projects@aecsolar.com

Property address: 470
~~476~~ Skiff Mountain Road: Dining Hall
Map: 7 Block: 16 Lot: 1
Zoning regulation section: _____

Statement of use: Installation of ground mounted solar PV system consisting of 282 modules and attachments totaling a DC rating of 114.210 kW to power the Dining Hall

Cubic yards of fill to be deposited on the property (if any): _____
Yards of earth materials to be removed off the property (if any): _____

Is this property subject to a conservation or preservation restriction: Yes No

If so, a written notice must be sent to the party holding such restriction sixty days prior to the submittal of this application. Proof of this notice shall be attached as per CT Public Act 05-124.

Has this case gone to the Zoning Board of Appeals? Yes No
If yes, please include the approval letter from the ZBA.

Signature of applicant: Patrick Lewis Date: 1.20.21
Signature of property owner: [Signature] Date: 1/22/21

SITE PLAN APPLICATION CHECKLIST

All Site Plan Applications must include:

- 10 copies of the Site Plan Application and all attachments
- A check in the amount of \$160 made payable to "The Town Of Kent"

Following a written request from the applicant, the Commission may determine that information required by the Regulations is not needed in order for the Commission to reach a decision on the application or determine compliance with the requirements of these Regulations. In such situations, the Commission may relieve the applicant from providing such information by an affirmative vote of a majority of all voting members of the Commission.

The Commission may require additional information be submitted when it determines that it needs such additional information in order to determine whether the proposed use complies with the standards and requirements of these Regulations.

APPLICATION REQUIREMENTS – SITE PLAN / SPECIAL PERMIT

(PLEASE CIRCLE THOSE **NUMBERED** ITEMS YOU WISH THE COMMISSION TO WAIVE)

- Application Form (with original signature of owner or letter of authorization from the owner to a designated agent)
- Application fee (\$160 made payable to "The Town of Kent")
- Ten (10) copies of a Site Plan of the property at an appropriate scale (such as 1" = 40') prepared and signed by a Connecticut-licensed professional engineer, land surveyor, architect and/or landscape architect, whichever shall be appropriate, and stamped with an embossed seal of each, showing, as applicable:
 - 1 On each sheet as appropriate, the graphic scale, north arrow, date of drawing and of all revisions, name of person preparing the Site Plan, address of property, and name and address of owner of record
 - 2 A key map showing:
 - the location of the property in relation to surrounding areas, streets and other landmarks
 - the location of the lot in relation to public and/or private streets and access-ways
 - the zoning district in which the property is located
 - 3 A Class A-2 boundary survey showing property boundaries, dimensions and area, dimensions of all yards as required by these Regulations, and including the names of abutting property owners
 - 4 A site development plan showing:
 - Existing and proposed buildings and other structures on the site including locations, dimensions, footprint square footage, floor area, height and building coverage of all existing and proposed buildings and uses
 - Existing and proposed driveway, parking and loading areas including, but not limited to, sidewalks, curbing, walkways, dumpsters, group mailboxes, driveways, parking and loading areas, abutting streets, utility poles, hydrants and other utility appurtenances, areas to be used for exterior storage and the type of screening to be provided
 - Existing and proposed grading with contours at two-foot intervals or less
 - The location of any wetlands and/or watercourses or areas of special flood hazard including the upland review area
 - The location of any proposed signs
 - Proposed site lighting including the location, size, height, intensity and hours of operation of all lighting fixtures
 - Construction limit line identifying all those areas to remain undisturbed and in its natural state

- 5 A utility plan showing:
 - The locations and descriptions of water supply and sewage disposal facilities
 - The location and design of existing and proposed storm drainage facilities in compliance with the 2004 Connecticut Stormwater Quality Manual, as amended
 - The location and design of refuse disposal facilities

N/A

- 6 A landscaping plan showing existing vegetation and proposed planting showing the Latin and common name of the species used, quantity of each plant species and the size and height of the plants at the time of planting.

- 7 Architectural plans and elevations - *Rackings drawing*

- 8 Construction notes and details

- 9 A zoning informational table showing the existing use, proposed use, zone, size of the property in square feet or acres, gross floor area of existing structures, gross floor area of proposed structures, proposed ground coverage, proposed building height in stories and feet, number of parking spaces required and provided (including handicapped spaces), number of loading spaces (if any) required and provided.

Additional information as necessary to demonstrate compliance with the Zoning Regulations or other site plan considerations:

- 10 Off-site information including but not limited to the location of: buildings, parking areas and curb cuts on adjoining properties, including those across the street; traffic lights and controls, public trees, catch basins, manholes, hydrants, utility poles and utility lines located in adjacent streets; and zoning district boundary lines.

N/A

- 11 Impact analysis of the development upon water supply, storm drainage, sanitary sewers, traffic with special emphasis on any scenic road impacted, site conditions and/or water, air or noise pollution.

- 12 The location of stone walls, archeological resources, scenic views and other attributes

N/A

- 13 All applications for a Special Permit involving the construction of more than 25 dwelling units, 50 parking spaces, or 20,000 square feet of gross floor area, or any proposal which, in the Commission's judgment, would generate high levels of traffic, shall be accompanied by a traffic study prepared by a traffic engineer, evaluating the impact of the proposal on streets serving and/or affected by the development.

- At a minimum, the traffic study shall include data and information on existing and projected average daily vehicle trips on nearby roads, peak hour traffic, adequacy of rights-of-way and travelways, existing roadway capacity, traffic accidents, the traffic impact of the proposed development, traffic generation data, the location of existing roads within 300 feet of the development site, traffic lights and intersections, and recommendations for safe pedestrian and vehicular circulation, including provisions for safe sidewalks and crosswalks for pedestrians. Where applicable, the applicant shall include the written recommendations of the Connecticut Department of Transportation.

- Where it is projected that the additional traffic resulting from the proposal will reduce the level of service to C or below, the Commission shall not approve the project unless and until provision has been made for the improvement of said condition.

N/A

- For an application proposing to utilize a septic system, a report from the Town Sanitarian as to the feasibility of the septic system to accommodate the proposed use.

N/A

- For an application proposing a connection to, or extension of, a storm or sanitary sewer system shall require the approval of the Kent Water Pollution Control Authority and, where applicable, Connecticut Department of Energy and Environmental Protection, prior to the submission of an application to the Commission.

N/A

- If applicable, copies of an Erosion and Sedimentation Control Plan in compliance with Section 7300 of these Regulations.

6A1

- A statement signed by the applicant indicating that any required statutory notifications have been provided or that no such notifications are required.
- Copy of any relevant variance(s), stamped to document filing in the Office of the Kent Town Clerk.

DEPARTMENTAL CHECKLIST

Applicant confirms the following permits/approvals have been obtained where applicable:

Site Plan Application/ Special Permit Application	✓	Land Use Office Monday - Friday 9am - 4pm
Septic & Well (if in Rural District)		Torrington Area Health - Cathy Weber Tuesday's beginning at 12 pm
Sewer (if in Village Center)	NA	Joyce Kearns in the 1 st Selectman's Office
Inland Wetlands (if applicable)	NA	Land Use Office, Monday - Friday 9am - 4pm
Flood Hazard (if applicable)	NA	Land Use Office, Monday - Friday 9am - 4pm
Horizonline Conservation (if applicable)	WA	Land Use Office, Monday - Friday 9am - 4pm
Fire Marshal (all but 1 & 2 family dwellings)	WA	Land Use Office Tuesday & Thursday 3pm - 4pm

SMH
Signature

2/8/21
Date

KENT PLANNING AND ZONING COMMISSION
41 KENT GREEN BOULEVARD
P.O. Box 678
KENT, CONNECTICUT 06757

TOWN OF KENT
PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING

The Town of Kent Planning and Zoning Commission shall hold a public hearing via a ZOOM meeting on Thursday, February 11, 2021 beginning at 7:00 p.m. to discuss and possibly act on: Application #'s 04-21SP and 05-21C, AEC Solar, LLC for Marvelwood School, 473 Skiff Mountain Road, Map 7 Block 17 Lot 1, installation of ground mounted solar PV system to service the Education and Athletics Building. Any corresponding documentation will be attached to the official agenda. At this hearing, persons may participate and be heard.

PLEASE NOTE: Written communications must be received by the Land Use Office no earlier than 24 hours prior to the meeting.

The ZOOM meeting number can be located on the official agenda that will be filed on the Town of Kent's website a minimum of 24 hours prior to the official ZOOM meeting.

Matthew Winter, Chairman



6A2

SPECIAL PERMIT APPLICATION

PLANNING AND ZONING COMMISSION
41 Kent Green Blvd.
P.O. Box 678
Kent, CT 06757

(FOR OFFICE USE ONLY)
App #: 04-21 SP
Fee received: 210
Date of receipt: 1/25/21
Official date of receipt: 2/11/21

Name of property owner: Marvelwood School

Owner's mailing address: 476 Skiff Mountain Road, Kent

Applicant's telephone: 203-535-1244 E-mail address: projects@aecsolar.com

Applicant's name: AEC Solar, LLC

Applicant's address: 80 Farwell St, West Haven, CT

Applicant's telephone: 203-535-1244 E-mail address: projects@aecsolar.com

Property address: 473 ~~476~~ Skiff Mountain Road : Education & Athletics Buildings

Map: 7 Block: 17 Lot: 1

Zoning regulation section:

Statement of use: Installation of ground mounted solar PV system consisting of 612 modules and attachments totaling a DC rating of 247.86 kW to power the Education & Athletics Buildings.

Cubic yards of fill to be deposited on the property (if any):

Yards of earth materials to be removed off the property (if any):

Is this property subject to a conservation or preservation restriction: Yes No

If so, a written notice must be sent to the party holding such restriction sixty days prior to the submittal of this application. Proof of this notice shall be attached as per CT Public Act 05-124.

Has this case gone to the Zoning Board of Appeals? Yes No
If yes, please include the approval letter from the ZBA.

Signature of applicant: Patrick Lewis Date: 1.20.21

Signature of property owner: Date:



6 A2

SITE PLAN APPLICATION

PLANNING AND ZONING COMMISSION
41 Kent Green Blvd.
P.O. Box 678
Kent, CT 06757

(FOR OFFICE USE ONLY)
App. #: 05-21C
Fee received: 160
Date of receipt: 1/25/21
Official date of receipt: 2/11/21

Name of property owner: Marvelwood School

Owner's mailing address: 476 Skiff Mountain Road, Kent

Applicant's telephone: 203.535.1244 E-mail address: projects@aecsolar.com

Applicant's name: AEC Solar, LLC

Applicant's address: 80 Farwell Street, West Haven, CT 06516

Applicant's telephone: 203.535.1244 E-mail address: projects@aecsolar.com

Property address: 473
476 Skiff Mountain Road: Athletic & Education Buildings

Map: 7 Block: 17 Lot: 1

Zoning regulation section:

Statement of use: Installation of ground mounted solar PV system consisting of 612 modules and attachments totaling a DC rating of 247.86 kW to power the Education & Athletics Buildings

Cubic yards of fill to be deposited on the property (if any):

Yards of earth materials to be removed off the property (if any):

Is this property subject to a conservation or preservation restriction: Yes No

If so, a written notice must be sent to the party holding such restriction sixty days prior to the submittal of this application. Proof of this notice shall be attached as per CT Public Act 05-124.

Has this case gone to the Zoning Board of Appeals? Yes No

If yes, please include the approval letter from the ZBA.

Signature of applicant: Patrick Lewis Date: 1.20.21

Signature of property owner: [Signature] Date: 1/22/21

6 A 2

SITE PLAN APPLICATION CHECKLIST

All Site Plan Applications must include:

- 10 copies of the Site Plan Application and all attachments
- A check in the amount of \$160 made payable to "The Town Of Kent"

Following a written request from the applicant, the Commission may determine that information required by the Regulations is not needed in order for the Commission to reach a decision on the application or determine compliance with the requirements of these Regulations. In such situations, the Commission may relieve the applicant from providing such information by an affirmative vote of a majority of all voting members of the Commission.

The Commission may require additional information be submitted when it determines that it needs such additional information in order to determine whether the proposed use complies with the standards and requirements of these Regulations.

APPLICATION REQUIREMENTS – SITE PLAN / SPECIAL PERMIT (PLEASE CIRCLE THOSE **NUMBERED** ITEMS YOU WISH THE COMMISSION TO WAIVE)

- Application Form (with original signature of owner or letter of authorization from the owner to a designated agent)
- Application fee (\$160 made payable to "The Town of Kent")
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 - 1 On each sheet as appropriate, the graphic scale, north arrow, date of drawing and of all revisions, name of person preparing the Site Plan, address of property, and name and address of owner of record
 - 2 A key map showing:
 - the location of the property in relation to surrounding areas, streets and other landmarks
 - the location of the lot in relation to public and/or private streets and access-ways
 - the zoning district in which the property is located
 - 3 A Class A-2 boundary survey showing property boundaries, dimensions and area, dimensions of all yards as required by these Regulations, and including the names of abutting property owners
 - 4 A site development plan showing:
 - Existing and proposed buildings and other structures on the site including locations, dimensions, footprint square footage, floor area, height and building coverage of all existing and proposed buildings and uses
 - Existing and proposed driveway, parking and loading areas including, but not limited to, sidewalks, curbing, walkways, dumpsters, group mailboxes, driveways, parking and loading areas, abutting streets, utility poles, hydrants and other utility appurtenances, areas to be used for exterior storage and the type of screening to be provided
 - Existing and proposed grading with contours at two-foot intervals or less
 - The location of any wetlands and/or watercourses or areas of special flood hazard including the upland review area
 - The location of any proposed signs
 - Proposed site lighting including the location, size, height, intensity and hours of operation of all lighting fixtures
 - Construction limit line identifying all those areas to remain undisturbed and in its natural state

- 5 A utility plan showing:
 - The locations and descriptions of water supply and sewage disposal facilities
 - The location and design of existing and proposed storm drainage facilities in compliance with the 2004 Connecticut Stormwater Quality Manual, as amended
 - The location and design of refuse disposal facilities

N/A

- 6 A landscaping plan showing existing vegetation and proposed planting showing the Latin and common name of the species used, quantity of each plant species and the size and height of the plants at the time of planting.

- 7 Architectural plans and elevations - *Backings drawings*

- 8 Construction notes and details

- 9 A zoning informational table showing the existing use, proposed use, zone, size of the property in square feet or acres, gross floor area of existing structures, gross floor area of proposed structures, proposed ground coverage, proposed building height in stories and feet, number of parking spaces required and provided (including handicapped spaces), number of loading spaces (if any) required and provided.

- Additional information as necessary to demonstrate compliance with the Zoning Regulations or other site plan considerations:

- 10 Off-site information including but not limited to the location of: buildings, parking areas and curb cuts on adjoining properties, including those across the street; traffic lights and controls, public trees, catch basins, manholes, hydrants, utility poles and utility lines located in adjacent streets; and zoning district boundary lines.

N/A

- 11 Impact analysis of the development upon water supply, storm drainage, sanitary sewers, traffic with special emphasis on any scenic road impacted, site conditions and/or water, air or noise pollution.

- 12 The location of stone walls, archeological resources, scenic views and other attributes

N/A

- 13 All applications for a Special Permit involving the construction of more than 25 dwelling units, 50 parking spaces, or 20,000 square feet of gross floor area, or any proposal which, in the Commission's judgment, would generate high levels of traffic, shall be accompanied by a traffic study prepared by a traffic engineer, evaluating the impact of the proposal on streets serving and/or affected by the development.

- At a minimum, the traffic study shall include data and information on existing and projected average daily vehicle trips on nearby roads, peak hour traffic, adequacy of rights-of-way and travelways, existing roadway capacity, traffic accidents, the traffic impact of the proposed development, traffic generation data, the location of existing roads within 300 feet of the development site, traffic lights and intersections, and recommendations for safe pedestrian and vehicular circulation, including provisions for safe sidewalks and crosswalks for pedestrians. Where applicable, the applicant shall include the written recommendations of the Connecticut Department of Transportation.
- Where it is projected that the additional traffic resulting from the proposal will reduce the level of service to C or below, the Commission shall not approve the project unless and until provision has been made for the improvement of said condition.

N/A

- For an application proposing to utilize a septic system, a report from the Town Sanitarian as to the feasibility of the septic system to accommodate the proposed use.

N/A

- For an application proposing a connection to, or extension of, a storm or sanitary sewer system shall require the approval of the Kent Water Pollution Control Authority and, where applicable, Connecticut Department of Energy and Environmental Protection, prior to the submission of an application to the Commission.

N/A

- If applicable, copies of an Erosion and Sedimentation Control Plan in compliance with Section 7300 of these Regulations.

Section 5.8 (now Section 5.4)

Just renumbered to reflect Sections above that were removed.

Section 5.9 (now Section 5.5)

Just renumbered to reflect Sections above that were removed. Revised Zoning Regulation Section as it was in error.

Section 5.10

Removed as this is already covered in existing Section 5260 and proposed Section 3166.

Section 5.11 (now Section 5.6)

No revisions proposed.

Proposed Section 3160 – Village Residential Conservation Development Overlay District (VRCDOD) – Zoning Regulations

Section 3161

Mimicked Section 5210 in its entirety.

Section 3162

Mimicked Section 5220 but referencing the VR-1 and VR-2 zone instead of the RU-1 zone.

Also, changed the minimum lot size applicable as 10 acres instead of 20 acres in Section 5220 as the overall lot sizes are typically much smaller in VR-1 and VR-2 zone in comparison to RU-1 zone.

This reduction reflects the proportional reduction in minimum lot areas as well. In the RU-1 Zone the minimum lot area is 2 acres for Class A soils and up to 5 acres for Class C soils. The VR-1 zone allows a minimum lot area of 10,000 square feet or approximately 11.5% of the minimum lot area in Zone RU-1. The VR-2 zone allows a minimum lot area of 30,000 square feet or approximately 34.5% of the minimum lot area in Zone RU-1.

Section 3163

Section 3163(a) is similar to Section 5230 (1)(a-b) in that it divides the total lot area by the minimum lot size. However, it has been updated to reflect area based zoning (as Zones VR-1 and VR-2 are area based zones) versus soils based zoning (which RU-1 is).

Section 3163 (1)(b) mimics Section 5230 (1)(c).

Section 3163 (1)(c) mimics Section 5230 (1)(d).

Section 3163 (2) mimics Section 5230 (2).

Section 3164

Section 3163 (1) mimics Section 5240 (1).

Section 3163 (2)(a) mimics Section 5240 (2)(a).

Section 3163 (2)(b) mimics Section 5240 (2)(b-c) but reduces minimum open space from 50% to 40% due to overall significantly smaller lot sizes. It also modifies the language for areas for development as Section 5240 (2)(c) implies that only area not Primary or Secondary Conservation areas could be used

for development. However, there are certain instances where the entire property would be considered a Primary and Secondary Conservation area, so some level of discretion is needed.

Section 3164 (3) mimics Section 5240 (3).

Section 3164 (4) mimics Section 5240 (4).

Section 3165

Section 3165 (1) mimics Section 5250 (1).

Section 3165 (2):

Minimum lot area:

Held 50% of the minimum lot area allowed as of right in the VR-1 and VR-2 zone. It shall be noted that the Regulations currently allow a multiple dwelling development at a density of 1 unit per 4,000 square feet in the VR-1 and VR-2 zone. In a Conservation Development the equivalent development would be less dense at 1 unit per 5,000 square feet in the VR-1 zone and 1 unit per 15,000 square feet in the VR-2 zone.

Minimum square:

Mimics the minimum square requirement in Section 5250 (2).

Setbacks:

Slightly reduced them from what is allowed as of right in the VR-1 and VR-2 zone similar to how it is handled in Section 5250. The front yard setback is reduced from the as of right 25 feet to 20 feet. The side yard setback is reduced from the as of right 20 feet in the VR-2 zone to 10 feet (10 foot side setback remains in VR-1 zone). The rear yard setback is reduced from 40 feet to 30 feet.

Maximum building coverage:

In Section 5250 the coverage for buildings is increased in relation to that which is allowed as of right in the RU-1 zone. I assume this is due to the fact the lot sizes are smaller and therefore slightly higher coverage is allowed to offset the smaller lot sizes.

However, my line of thought here is that the Village Residential Zones should have smaller massing and therefore I have reduced the coverages as follows:

Principal Building Maximum Coverage: VR-1 – Reduced from 25% as of right to 20%. VR-2 – Reduced from 20% as of right to 15%.

Principal Building and Accessory Building Maximum Coverage: VR-1 – Reduced from 30% as of right to 25%. VR-2 – Reduced from 25% as of right to 20%.

Maximum building height:

In Section 5250 the building heights are the same in relation to that which is allowed as of right in the RU-1 zone.

However, my line of thought here, similar to building coverage, is that the Village Residential Zones should have smaller massing and therefore I have reduced the building heights as follows:

Principal Building Maximum Height: VR-1 & VR-2 – Reduced from 35 feet as of right to 30 feet.

Accessory Building (if guest house or detached accessory dwelling) Maximum Height: VR-1 & VR-2 – Reduced from 35 feet as of right to 25 feet.

Other Accessory Building Maximum Height: VR-1 & VR-2 – Reduced from 20 feet as of right to 15 feet.

Section 3166

Section 3166 (1) mimics Section 5260 (1).

Section 3166 (2) is similar to Section 5260 (2) but allows some flexibility in order to allow low impact development techniques which is in line with a conservation development in which we are attempting to preserve open space, minimize impervious surfaces and minimize stormwater runoff.

Section 3167

Allows community facilities such as a pool, pool house, etc. subject to discretion of the Commission.

As always, you can reach me at my office at (860) 354-9346 or on my cell at (203) 948-5602.

Thank you as always for your time and consideration.

Sincerely,

Arthur H. Howland & Associates, P.C.



Paul S. Szymanski, P.E.

President

cc:

3160

VILLAGE RESIDENTIAL CONSERVATION DEVELOPMENT OVERLAY DISTRICT (VRCDOD)

3160 VILLAGE RESIDENTIAL CONSERVATION DEVELOPMENT OVERLAY DISTRICT (VRCDOD)

3161 PURPOSE AND INTENT

The Village Residential Conservation Development Overlay District (VRCDOD) is intended to encourage preservation of open space, farmland and farmland soils, and community character, encourage variation in the village residential developments that would not otherwise be possible; to encourage or require the use of flexible site design so that development will be constructed in harmony with natural resources and the natural capability of the land; and to permit residential developments that are sensitive to parcel configuration, topography, natural resources, historic resources, character resources, solar access, and the surrounding area.

3162 APPLICABILITY

1. The Village Residential Conservation Development Overlay District (VRCDOD) overlays the Village Residential (VR-1 & VR-2) District.
2. Unless the Commission finds that a Conventional Subdivision is the preferred approach due to neighborhood character, parcel configuration, topography, open space dedication, or other considerations, the provisions of this Section:
 - a. shall apply to any residential subdivision within the Village Residential Conservation Development Overlay District (VRCDOD) on a subdivision of five (5) lots or more or a parcel of land which is ten (10.0) acres or larger.
 - b. may be utilized for any residential subdivision proposed within the Village Residential Conservation Development Overlay District (VRCDOD).
3. An informal discussion with the Commission (also called a Pre-Application Review) is strongly encouraged in order to assist applicants in the preparation of applications.

3163 DETERMINATION OF MAXIMUM NUMBER OF LOTS

The maximum number of lots that may be approved in a Conservation Development in the Village Residential Conservation Development Overlay District (VRCDOD) shall be determined by one of the following methods:

1. Zoning-based approach:
 - a. The applicant shall divide the total area by the minimum lot size requirement for that Zone as specified in Section 3140 of these Regulations.
 - b. The resulting sum shall be multiplied by 0.85 to reflect the open space set-aside requirement in the subdivision regulations.
 - c. The result of this calculation shall be the maximum number of lots permitted in the Conservation Development.
2. Design-based approach - Alternatively, the developer may conduct on-site soil testing and prepare a sketch plan of a conventional subdivision design for review by the Commission.

3164 OVERALL DESIGN OF DEVELOPMENT

1. Unless not required by the Commission , any application for a Conservation Development shall include a site inventory / analysis map prepared by a qualified professional (including, but not limited to, a landscape architect, civil engineer, or surveyor licensed to practice in Connecticut) and such site inventory / analysis map shall identify:
 - a. Primary Conservation Areas – important environmental resources such as:
 - watercourses,
 - wetlands,
 - vernal pools,
 - steep slopes (25 percent or more),and
 - 100-year floodplain.
 - b. Secondary Conservation Areas - environmental, scenic, and cultural resources such as:
 - prime farmland soils and farmland soils of statewide significance,
 - existing farm fields and farm structures,
 - areas within 100 feet of existing streets or roads (including State highways),
 - areas within 50 feet of a wetland or within 100 feet of a watercourse or vernal pool,
 - 500-year floodplain,
 - ridgelines, scenic views and vistas,
 - areas identified as “town character areas” in the Kent Character Study (copy available at Town Hall),
 - Natural Diversity Database sites or wildlife corridors,
 - notable individual trees (>18” diameter measured four feet above ground level) and/or mature woodlands,
 - stone walls and /or farm hedgerows, and
 - possible open space and trail connections between conservation areas on the site and adjacent protected and unprotected open space.
2. The overall lot / roadway layout plan for the Conservation Development shall reflect the site inventory / analysis map:
 - a. Areas of the site which are considered Primary Conservation Areas or Secondary Conservation Areas shall be considered for permanent protection which may include preservation as open space deeded to the Town, a land trust or other conservation organization, or a homeowners association if acceptable to the Commission.
 - b. Unless modified by the Commission through granting of a Special Permit, a minimum of 40 percent of the Conservation Development area shall be preserved as open space, preferably in one continuous parcel. Priority for open space designation shall be given first to Primary Conservation Areas and secondarily to Secondary Conservation Areas.
3. If the Commission is not satisfied with the quality of the analysis submitted with the application, it may hire another landscape architect, civil engineer, or surveyor licensed to practice in Connecticut to prepare such analysis and charge the applicant for the cost of such services.
4. To assist with its consideration of a Conservation Development, the Commission may refer the plan to any department, agency or official it deems appropriate, to review and comment upon those technical matters which are the concern or responsibility of such department, agency or official.

3165 DEVELOPMENT STANDARDS

1. Subject to approval by the Commission and compliance with the Health Code, the number of units permitted in a Conservation Development may be laid out as:
 - a. a subdivision of lots,
 - b. as a common-interest-ownership community with detached units on common land or with multiple units in one or more structures, or
 - c. as a planned unit development.
2. Any lot created as part of a Conservation Development shall comply with the following requirements:

Conservation Development In VRCDOD

Minimum Lot Area

All lots created in a Conservation Development shall meet all the requirements of the Public Health Code.	5,000 square foot minimum if in the VR-1 Zone.
	15,000 square foot minimum if in the VR-2 Zone.

Minimum Square

Each lot created in a Conservation Development after July 1, 2018 shall be of such shape that a square with 100 feet on each side will fit on the lot.

	VR-1	VR-2
Minimum Front Yard Setback	20 Feet	20 Feet
Minimum Side Yard Setback	10 Feet	10 Feet
Minimum Rear Yard Setback	30 Feet	30 Feet
Maximum Coverage		
• Principal Building	20 %	15 %
• Principal Building and Accessory Buildings	25 %	20 %
Maximum Building Height		
• Principal Building	30 Feet	30 Feet
• Accessory Buildings (if guest house or detached accessory dwelling)	25 Feet	25 Feet
• Other Accessory Buildings	15 Feet	15 Feet

Commented [PS1]: Issue w garage

3166 ROAD AND DRAINAGE STANDARDS

1. Roads within the Conservation Development may be public or private.
2. Roads shall be constructed to conform to Town specifications and requirements to the greatest extent practical and in accordance with, at a minimum, the 2001 AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT < 400), 2001 or as amended.

3167 COMMUNITY FACILITIES

1. Subject to approval by the Commission, community facilities to be utilized by the owners within the associated development may be approved.

SUBDIVISION REGULATIONS

SECTION 5 - CONSERVATION DEVELOPMENT

5.1. PURPOSE.

To permit variation in residential developments which would not otherwise be possible; to permit flexible site design so that development may be constructed in harmony with, and preservation of, natural resources; and to permit residential developments which are sensitive to parcel configuration, topography, natural resources, solar access, and the surrounding area.

5.2. LOCATION AND MINIMUM PARCEL SIZE.

A Conservation Development may only be permitted by Special Permit in accordance with Section ~~5-95200 and 3160~~ of the Zoning Regulations ~~for parcels containing more than 10-50 acres in any Rural District subject to the following conditions in addition to conforming to the requirements of the Subdivision Regulations.~~

5.3. APPLICABILITY.

An applicant may apply to the Commission for Conservation Development as an alternative to a conventional subdivision. In those cases where the subject site contains unique natural resources or significant sensitive environmental features, the Commission may require the proposed subdivision to be submitted under Conservation Development regulations.

~~5.4. OPEN SPACE PRESERVATION. A minimum of 40% of the Conservation Development area and all other open space containing more than one acre shall be preserved as open space, preferably in one continuous parcel. Only areas containing a minimum of one acre with a minimum dimension of 100 feet and free of any man-made impervious surfaces shall qualify for the open space requirement.~~

~~5.4.1. Such open space shall be readily accessible to all dwellings in the development by street or by pedestrian way. It shall have adequate vehicular access for service and maintenance.~~

~~5.4.2. If such open space were determined by the Commission not to be left in its natural state, it shall be suitably graded and landscaped and shall have adequate provisions for drainage.~~

~~5.4.3. The Commission may require that such open space be located so as to be used in conjunction with similar adjoining areas, either existing or potential.~~

~~5.4.4. The open space area shall be noted on the plan as "Reserved for Open Space Purposes".~~

~~5.4.5. Land marked "Reserved for Open Space Purposes" on the plan shall be donated to a non-profit conservation organization and the land shall be maintained as open space in perpetuity. The donation of open space land to said organization shall not require the consent of adjacent property owners.~~

~~5.4.6. If evidence acceptable to the Commission is not submitted confirming acceptance of the open space by a non-profit conservation organization, as a condition of approval of the Conservation Development by the Commission, a document acceptable to the Commission's legal counsel shall be filed by the applicant in the office of the Town Clerk which document:~~

- ~~a. Shall establish an association of property owners to maintain the land reserved for open space purposes, with power to assess the members for all necessary costs;~~
- ~~b. Shall be binding on all future owners;~~
- ~~c. Shall be perpetual;~~
- ~~d. Shall not be affected by any change in zoning or land use;~~

- e. Shall assure appropriate maintenance of the reserved land;
- f. May be enforced by adjoining property owners or the Town by appropriate court action;
- and;
- g. Shall provide that if maintenance, preservation or use of the open space no longer complies with the provisions of the document, the Town may take all necessary action to assure compliance and assess against the association all costs incurred by the Town for such purposes.

5.5. MAXIMUM DENSITY OF DEVELOPMENT:

A sketch layout of a conventional Subdivision Plan shall be submitted by the applicant to the Commission for the sole purpose of establishing the maximum number of building lots that may be permitted. Said plan, in a generalized format, shall meet the requirements of the Town's Subdivision and Zoning Regulations as to the layout of lots and roads for single-family dwellings in accordance with the provisions for Rural District regulations. The maximum number of building lots to be permitted shall not exceed the number of lots shown on the sketch plan and determined by the Commission to represent a reasonable subdivision of the land. The Commission's action in making such determination shall not be construed as approval under the General Statutes for said concept subdivision plan or any other subdivision plan, either in the present or future, which shall be a derivation of said concept subdivision plan.

5.6. REDUCTION IN LOT SIZES AND YARDS.

The maximum reduction in lot area, yards and setbacks for individual lots shall not exceed 50 percent of that normally required by Section 7.3 of the Zoning Regulations and shall comply with the following:

5.6.1. Lot area: minimum 20,000 square feet if served by septic systems; 10,000 square feet if served by sewer; maximum 40,000 square feet.

5.6.2. Side or rear yards: minimum 15 feet.

5.6.3. Front yard setback: minimum 20 feet.

5.6.4. Building coverage: maximum 15 percent.

5.6.5. Minimum square requirement: 100 feet each side, with one side along the required front yard setback.

5.6.6. Site perimeter setback: structures shall be setback a minimum of 150 feet from any property line on the perimeter of the site except where such property line shall abut another Conservation Development site or shall abut severe topography, water bodies, or other unique physical conditions, in which case the Commission may permit a lesser setback.

Commented [PS1]: With ROW would not be applicable.

5.7. ALTERNATIVE DEVELOPMENT CONCEPT.

The Commission may permit a Conservation Development wherein the land and common facilities shall be under single common ownership, in which case individual lots and yards shall not be required; however, no structure shall be within 30 feet of another structure nor closer than 20 feet to a road. The Commission shall determine which of the other requirements and conditions of this section shall be applicable. If a proposal under the Alternate Development Concept shall not constitute a subdivision under the provisions of the General Statutes, said proposal shall also comply with the provisions for a Special Permit in accordance with Section 5.9 of the Zoning Regulations.

5.84. WATER SUPPLY/SEWAGE DISPOSAL. All water supply and sewage disposal systems shall be designed and constructed in accordance with procedures set forth in these Regulations, applicable State laws and local ordinances. Documentation shall be submitted by the applicant regarding the quality and quantity of the proposed water supply. The design and construction of the proposed water supply and sewage disposal systems shall be subject to approval by the Town Sanitarian. Where individual on-site septic systems are not deemed feasible, a community sewerage system may be utilized.

5.95. FIRE PONDS.

Fire ponds shall be provided in accordance with Section ~~16.48800~~ of the Zoning Regulations.

~~5.10. ROAD AND DRAINAGE STANDARDS:~~

~~Roads and drainage shall be constructed to conform with the latest Town specifications and requirements.~~

Commented [PS2]: ROW eats up a lot of area.

5.116. SITE LAYOUT/ARCHITECTURAL STYLE:

All buildings shall be located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible. An overall architectural theme or style shall be established for all dwellings and accessory structures to assure an overall harmony of roof lines, sizes, facades, materials, and colors.

4000 BUSINESS DISTRICTS

4100 VILLAGE COMMERCIAL DISTRICT (VC)

4120 PERMITTED PRINCIPAL USES

4124 Permitted By Special Permit (Commission With Public Hearing)

- 26. Adaptation of one or more an existing building or buildings for multi-family residential use subject to the following provisions:
 - a. There shall be at least 4,000 square feet of lot area for each dwelling unit.
 - b. No proposed adaptation nor any additional associated development shall be approved unless connected to the Town sanitary sewer system.
 - c. Adequate provision shall be made for the collection and disposal of garbage and refuse and such facilities shall be in conveniently located areas, enclosed and visually screened from view.
 - d. Adequate arrangements shall be made for parking.

4130 PERMITTED ACCESSORY BUILDINGS, STRUCTURES AND USES

4134 Permitted By Special Permit (Commission With Public Hearing)

- 6. Use of an accessory structure for a retail store, food retail / serving establishment, artists' studio and/or art gallery, personal service establishment, office, or other use permitted by Section 4120.

not
checked

7.3 acres or
75,358 sq ft
18 units

Cyberian
 not post?
 talk out multi-family
 can we keep in multi-family?
 Rain - convert the garage to
 multi-family use?

4,000 sq ft for
each DU



Donna Hayes <landuseadmin@townofkentct.org>

Shed

1 message

David Birnbaum <davidb@chelsea.net>
To: Donna Hayes <landuseadmin@townofkentct.org>
Cc: Barry Labendz <barryl@kentfallsbrewing.com>

Fri, Feb 5, 2021 at 8:22 AM

Hi Donna.

Just a few quick notes for the meeting on the shed:

- The shed is being built over the existing pad (please see attached photo), abutting the brewery.
- The goal is to provide weather protection for items on the pad, and our equipment when we are working. Currently, leaves, rain, and snow are a problem when we are working in the brewery and have to have the garage door open for staging of cans and other supplies.
- The space will not be part of the heating envelope and will be uninsulated.
- Visually it will have the same look and feel as the solar shed and brewery. It is behind the brewery and is only obliquely visible from the road. There's a line drawing of the addition, basically the same point of view as the photo

Barry will be presenting / representing at the meeting.

As a side note, there are not usually this many kegs on the pad. They were cleaning/organizing, and due to COVID-19 most of our kegs are at the brewery rather than at customers. Hopefully that changes this year!

Thanks,

David.

6.B.4

KENT FALLS BREWING

2021 ADDITION



SOPHIE'S

Restaurant & Bakery



Where good food lives!

860-592-0242

eatatsophies.com





Donna Hayes <landuseadmin@townofkentct.org>

Opening

3 messages

Donna Hayes <landuseadmin@townofkentct.org>
To: sophieskent@gmail.com

Mon, Jan 11, 2021 at 11:15 AM

Hi Sophie,

Sorry for the late reply ... Since the use of the property did not change, I really don't have to process any permits for you with the exception of a sign permit. So when you are ready, let me know and we can walk through the process.

You should contact the following people if you have not done so already:

- Cathy Weber at Torrington Area Health District
- Stan MacMillan, Fire Marshal for the Town of Kent
- Joe Manley, Building Official for the Town of Kent
- Department of Consumer Protection for your bakery permit
- State of Connecticut Liquor Permit Commission if you are going to be serving alcohol.

Both Stan and I will sign off on the Liquor Permit and I will probably have to sign off on the Department of Consumer Protection.

If you have any further questions, please let me know.

Best,

Donna M. Hayes, CZEO
Land Use Administrator
Town of Kent
Land Use Office
41 Kent Green Boulevard
P.O. Box 678
Kent, CT 06757
(860) 927-4625
landuseadmin@townofkentct.org

Sophie Drazkiewicz <sophieskent@gmail.com>
To: Donna Hayes <landuseadmin@townofkentct.org>

Thu, Jan 21, 2021 at 1:00 PM

Good afternoon Donna,

Great, thank you! I apologize for respond so late as well; I've been pretty busy trying to get things in order. I've been in contact with almost everyone on that list - I have the bakery permit ready I just need a couple signatures for it, and once I get a bit more work done on the hood I'm going to have Stan come in for the inspection and to get his signature on the health department application.

For the sign application - I wasn't sure if you're in the office or not, so I've attached the application here as well as the proof of the sign we'd like to put up; I can also drop the application off in person with a check for the \$94.00 fee at town hall if you'd prefer!

Thank you again so much for your help! I look forward to hearing from you soon.

[Quoted text hidden]

--

Sophie Drazkiewicz
Owner, Chef
sophieskent@gmail.com

2 attachments

635



Sophies_Sign_Final_1822.png
7512K

 Sophies_Sign_Application.pdf
1112K

Donna Hayes <landuseadmin@townofkentct.org>
To: Sophie Drazkiewicz <sophieskent@gmail.com>

Wed, Jan 27, 2021 at 2:18 PM

Hi Sophie,

My apologies for the late reply.

Due to the size of the complex, all the signs for businesses in the Kent Green have to go before the Commission for a modification to the site plan. Basically, it means that this application along with the size, location and lighting of the sign will have to be approved by them rather than by me. So, I will put this information on the February 11th Planning and Zoning agenda for approval. If they approve it, I will process the sign application after receiving the fee of \$94.

It would be a great idea if you could provide the Commission with some photos of where the sign will be placed. The more information you can provide, the easier it will be for them to make their decision. Please email them to me by February 5th and I will make sure that the Commission has the information for the meeting.

If you have any questions, please let me know.

Best,
Donna M. Hayes, CZEO
Land Use Administrator
Town of Kent
Land Use Office
41 Kent Green Boulevard
P.O. Box 678
Kent, CT 06757
(860) 927-4625
landuseadmin@townofkentct.org

[Quoted text hidden]

6B5



SIGN APPLICATION TOWN OF KENT, CT

THIS APPLICATION MUST BE ACCOMPANIED BY A SKETCH PLAN AS REQUIRED BY THE ZONING REGULATIONS.

Name of property owner: Kent Green LLC

Owner's mailing address: 16 Green Pasture's Lane Kent, CT 06757

Telephone number: 860-927-3344 E-mail address: jcrazell@gmail.com

Applicant's name: Sophie Dratkiewicz

Applicant's address: 168 Kent Road Gaylordville CT 06755

Applicant's telephone: 203-981-4219 E-mail address: sophieskent@gmail.com

Property address: 1 Kent Green Road Kent, CT 06757

Application is hereby made to the Planning and Zoning Commission for a permit to construct a sign:

Size of sign: 3ft x 4ft Square footage: 12 sq. ft.

Distance to property lines (freestanding signs only—cannot be closer than five feet to the property):

Front: 8.5ft Rear: 47ft Right side: 26ft Left Side: 20ft

Will the sign be used for residential, commercial or industrial use? commercial

Is this property subject to a conservation or preservation restriction: Yes No

If so, a written notice must be sent to the party holding such restriction sixty days prior to the submittal of this application. Proof of this notice shall be attached as per CT Public Act 05-124. n/a

Signature of applicant: [Signature] Date: 01/21/2021

Fee: 94.00 Sign fee = \$10.00 plus \$2.00 per sq. ft. over 5 sq. ft. plus \$60.00 state fee

OFFICE USE ONLY

Application No: _____ Date of action: _____
 Map: _____ Block: _____ Lot: _____ Permit No: _____
 Application fee: _____ Permit granted: _____ Permit not granted: _____
 Date received: _____ Zoning regulations: _____

Please note: All decisions made by the Land Use Administrator may be appealed to the Zoning Board of Appeals if filed within the specified 30-day appeal period. Please see the Connecticut General Statutes Section 8-7 as amended.

L.B. 7.

**PROPOSED CHANGE TO ZONING REGULATIONS
PRIVATE BURIAL GROUND**

ADD:

Section 2200 – Definition

Private Burial Ground: An area on private property no closer than 350' from the nearest house used for the interment of a group of persons related to the property owner and each other by blood or marriage and where no lots are sold to the public.

Section 3234 - Permitted By Special Permit (Commission With Public Hearing)

#16. Private Burial Ground

1. The property shall be a minimum of XX acres.
2. Interments shall be restricted to a group of persons related to the property owner and each other by blood or marriage.
3. No burial plots shall be sold to the public.
4. The burial ground shall be no closer than 350' from the nearest house.
5. The owner of the property shall provide an easement or right-of-way to allow access from the road to the private burying ground. Said easement or right-of-way shall be filed on the land records along with an A2 survey/site plan showing the total acreage of the property, the dimension of the burying ground, the proposed location of the burying ground, number of burial plots, access to the burying grounds, and location of septic and wells.
6. Approval must be obtained from the Connecticut State Department of Public Health in accordance with CGS §19a-313, as amended.

AGENDA ITEM 678

February 4, 2021

Town of Kent
Land Use Office
41 Kent Green Boulevard
P.O. Box 678
Kent, CT. 06757

Attention: Donna Hayes

Dear Donna,

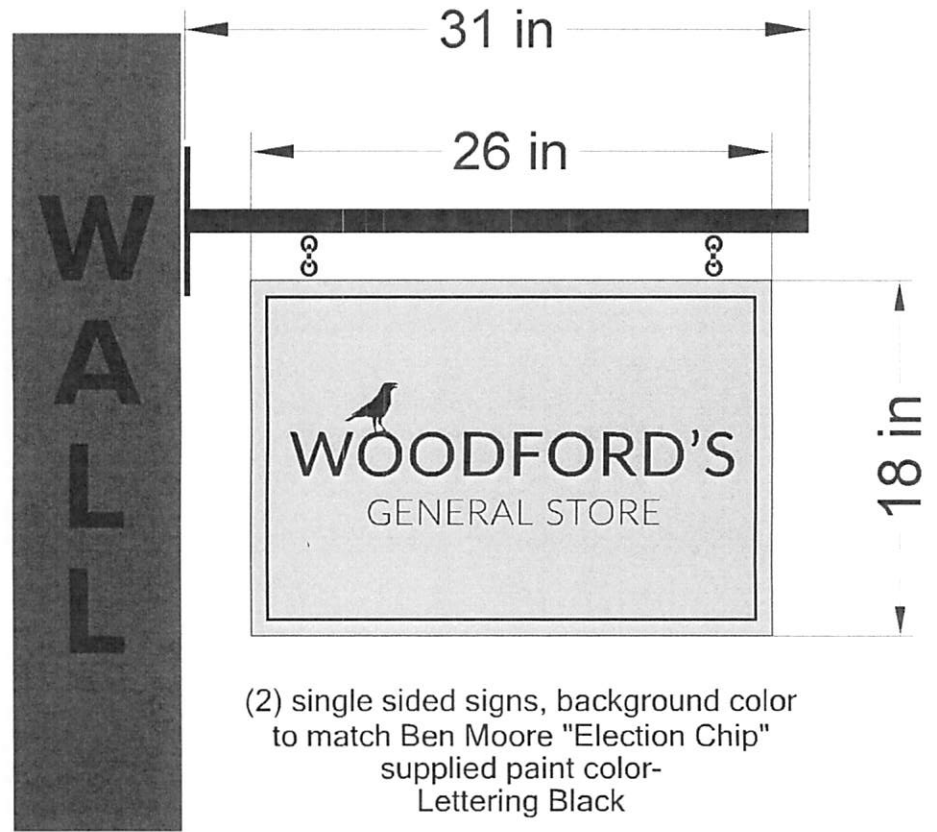
As per your direction, Woodford's General Store is requesting a modification to the site plan at 3 Old Barn Road, Kent, CT. 06757. Requesting approval to have two signs, a business identification on the structure and a business projection sign on the structure. Drawings and photos attached.

Please let me know next steps.

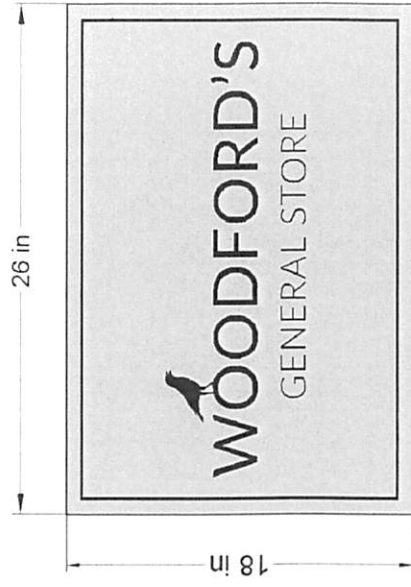
Best,



Terry Crowe Deegan
Woodford's General Store



WBS



single sided signs, background color to match Ben Moore "Election Chip" supplied paint color- Lettering Black

6BA

TOWN OF KENT PLANNING AND ZONING COMMISSION
Administrative Permits Issued
January 11 – February 5, 2021

PERMIT #	PROPERTY OWNER	PROPERTY LOCATION	FOR	MAP	BLOCK	LOT
92-20DAP	Pamela Davis	201 Kenmont Rd	Driveway for new SFD	15	22	95
01-21AP	Anderson Acre Farm, LLC	1 Anderson Acres Rd	7' x 20' addition to existing MBR	16	24	16
06-21AP	Ziegler	24 Spaulding Farms Lane	Addition to existing access. Structure – DDU	12	35	13
07-21SignT	Kent Center, LLC	9 Maple Street	5 Temporary signs for COVID vaccine clinic at 17 Old Barn Rd	19	42	35

TOWN OF KENT PLANNING AND ZONING COMMISSION
Certificates of Compliance Issued

PERMIT #	PROPERTY OWNER	PROPERTY LOCATION	FOR	MAP	BLOCK	LOT
05-02DAP	Margaret Lark	168 Cobble Road	Driveway	10	42	31

**CONNECTICUT FEDERATION OF PLANNING
AND ZONING AGENCIES
QUARTERLY NEWSLETTER**

Winter 2021

Volume XXV, Issue 1

2021 ANNUAL MEETING

Due to the ongoing Covid-19 Pandemic and the restrictions imposed by the State of Connecticut in regard to public and private gatherings, the Executive Board of the Federation has determined that the 2021 Annual Meeting will be postponed indefinitely. The Federation remains hopeful that the pandemic will come to an end by Summer. Once it becomes clear when this will occur, a new date for a 2021 conference will be set.

In the meantime, the Federation plans to schedule one or more webinars on land use topics of interest. In addition, an announcement will be mailed for length of service awards and lifetime achievement awards. The recipients of the awards will hopefully be made at a meeting this year but may instead be announced at a webinar.

NOT ALL SPECIAL EXCEPTION
APPLICATIONS ARE CREATED
EQUAL

When a property owner's application for a special exception was rejected by a land use administrator, he appealed the matter to the Superior Court. The appeal was dismissed by the court, and later by the Appellate Court, on the basis that the property owner did not exhaust his administrative remedies.

The court viewed the rejection of the application by the land use administrator as a decision by an officer charged with the enforcement of the zoning regulations. It reached this conclusion by first finding that the zoning regulations provided the administrator with the authority to review applications and decide whether they were complete. Then, since this review was based upon the interpretation of the zoning regulations by the administrator, the decision that the application was incomplete was in fact a decision involving the enforcement of the zoning regulations. Thus, the decision was required to be appealed to the zoning board of appeals before an appeal to court could be taken. *See Farmington-Girard LLC v. Planning & Zoning Commission, 190 Conn. App. 743 (2019).*

GENERAL STANDARDS ALONE
SUPPORT DENIAL OF SPECIAL
EXCEPTION SAYS COURT

The owner of a parcel of property located within an industrial zone applied for a special permit to operate a crematory. The owners of parcels within the industrial park objected, as did the town's economic development commission. These objectors claimed that approving the crematory would result in a decrease of their property values and negatively affect the character of the industrial park.

Written and Edited by
Attorney Steven E. Byrne
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CONNECTICUT FEDERATION OF PLANNING AND ZONING AGENCIES QUARTERLY NEWSLETTER

Winter 2021

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The planning and zoning commission eventually agreed, denying the application on the basis that a crematory would negatively affect the industrial park and the town by depressing property values. Protecting property values was a general standard contained in the zoning regulations that needed to be satisfied before a special permit application could be approved.

The applicant appealed this decision to court alleging that the commission's decision was not based on substantial evidence in the record because its decision was based solely on noncompliance with general standards contained in the zoning regulations.

The appeal found its way to the Appellate Court which found the Commission's decision was supported by substantial evidence. In doing so, the court reaffirmed the rule that noncompliance with general standards contained in the zoning regulations is a sufficient basis to deny a special permit application. *McLoughlin v. Planning & Zoning Commission*, 200 Conn. App. 307 (2020).

LARGE FINE AWARDED BY COURT FOR ILLEGAL JUNKYARD

An award of \$125,000 for fines plus attorney fees was ordered by a court together with an injunction preventing the further use of a residential property as a junkyard and processing center. The homeowner was using her

home in connection with her business, which was to clean out foreclosed properties. She would, under contract with the foreclosing lender, empty a foreclosed home of its contents and then sell or junk these items.

Much of this material ended up at her home, where it was first stored indoors and then overflowed into the front and side yards of her property. This activity continued even after her home was destroyed by fire. Complaints from neighbors eventually resulted in a zoning enforcement action and a blight action.

The award was made solely under C.G.S. Sec. 8-12, which provides for daily fines as well as an award of attorney fees where the violation is deemed to be willful. The evidence clearly demonstrated that the property owner was aware that her use of the residential property as a junkyard was prohibited, yet she ignored repeated notice of violations and a cease and desist order. See *South Windsor v. Lanata*, 68 Conn. L. Rptr. 45 (2019).

DENIAL OF APPLICATION BASED UPON STATE REGULATIONS

An owner of a business with an existing liquor permit applied for a special permit and site plan application. The current permitted use was a billiard hall and bar. The owner now sought to convert the business to an exotic dance establishment and bar. The Commission

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Volume XXV, Issue 1

denied the application for one reason which was that under state law, a liquor permit could not be issued to a business that featured unclothed employees.

On appeal to court, the commission's decision was upheld. While local land use commissions can impose stricter requirements on the sale of alcohol, they cannot make less restrictive rules. Thus, the Commission was correct to deny the application where it was certain that state law prohibited the use as it could not approve a use of land that the state prohibited. *Q-Lungian Enterprises Inc. v. Planning & Zoning Commission, 69 Conn. L. Rptr. 295 (2019).*

VALIDITY OF PLANNED
DEVELOPMENT DISTRICTS
AFFIRMED BY COURT

A superior court decision affirmed that a zoning commission can amend its zoning regulations to include what are known as planned development districts. These districts typically target one or just a few properties for multi-use development and allow the commission to apply detailed standards and controls to the uses permitted therein. In this case, aggrieved neighboring property owners challenged the district as violating the uniformity requirement found in C.G.S. Sec. 8-2 as well as being an improper exercise by the commission of the variance power which is reserved for a zoning board of appeals.

The court dismissed both arguments and found that the commission was within its authority when it adopted the district, finding that such a district does not violate the uniformity requirement as it treated all property within the district the same. As for the variance argument, it was quickly dismissed as the amending of zoning regulations is a specific power given to a zoning commission and does not constitute a variance. *See Tillman v. Planning & Zoning Commission, 69 Conn. L. Rptr. 409 (2020).*

ANNOUNCEMENTS

CFPZA Website

The Federation's website has been up and running for nearly one year. The web address is www.cfpza.org. On the website you can find educational materials published by the Federation as well as news items and Federation webinars. Please take time to visit us.

Workshops

If your land use agency recently had an influx of new members or could use a refresher course in land use law, contact us to arrange for a workshop to be held at your next meeting. At the price of \$180.00 per session for each agency attending, it is an affordable way for your commission or board to keep informed.

Written and Edited by
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9B 4

BOOK ORDER FORM

Name of Agency: _____

Person Making Order: _____

Address: _____

Purchase Order No.: _____

“PLANNING AND ZONING IN CONNECTICUT”
at \$ 30.00 each for members Copies _____ \$ _____
at \$ 35.00 each for nonmembers

“CONNECTICUT ZONING BOARD OF APPEALS”
at \$ 25.00 each for members Copies _____ \$ _____
at \$ 30.00 each for nonmembers

“WORKSHOP BOOKLETS” at \$12.00 each for members & \$16.00 each for nonmembers
Planning & Zoning Commissions Copies _____ \$ _____
Zoning Board of Appeals Copies _____ \$ _____
Inland Wetlands & Watercourses Copies _____ \$ _____
Historic District Commissions Copies _____ \$ _____

TOTAL DUE: _____ \$ _____

*Please make check payable to:
Connecticut Federation of Planning & Zoning Agencies*

**CONNECTICUT FEDERATION OF
PLANNING & ZONING AGENCIES**
2B Farmington Commons
790 Farmington Avenue
Farmington CT 06032



Kent Planning & Zoning Commission
Town Hall
41 Kent Green Blvd.
P.O. Box 678
Kent, CT 06757-0678