

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

OCTOBER 22, 2015 SPECIAL MEETING MINUTES

The Town of Kent Planning and Zoning Commission held a special meeting on **Thursday, October 22, 2015 at 7:00 p.m.** in the Kent Town Hall.

1. CALL TO ORDER

Mr. Johnson called the meeting to order at 7:15 p.m.

2. ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED

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

Staff Present: Donna Hayes, Land Use Administrator

Guest Present: Glenn Chalder, Planimetrics

3. READING AND APPROVAL OF MINUTES:

No action taken.

4. PUBLIC COMMUNICATIONS (ORAL):

No action taken.

5. OLD BUSINESS:

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

5.B. DISCUSSION AND POSSIBLE DECISION

5.B.1. Informational Meeting on the Proposed Final Draft of Town of Kent Zoning Regulations.

Mr. Johnson explained to those present that the meeting was being held to discuss the final draft of the new regulations and to accept comments and suggested changes. The Commission will meet to discuss

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BY *Donna Hayes*
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any suggested changes and hopefully, schedule a public hearing for adoption. Mr. Johnson then turned the meeting over to Mr. Chalder.

Mr. Chalder began by showing a power point presentation outlining the changes to the layout and highlighting major changes. He then accepted questions from the audience.

Mr. Michael Dannon was particularly interested in the changes to the Birch Hill Court area and asked what the specifics were. Mr. Chalder explained that the yard setback areas were almost cut in half in order to recognize the small size of the lots.

Mr. David Bain asked if there was a way to see the regulations and Mr. Chalder said that the draft version is available on the Town's website.

Ms. Diane Meyer stated that before some towns allow a new business into town, they take into account the number of branches that business has. If the number of branches surpasses the town's limit, then that business would not be permitted to operate in the town. She continued that it eliminates businesses like The Gap and Subway. Mr. Chalder said that he never heard of that and said that one thing that Kent has in its favor is the Architectural Review Board which would regulate the design of the building.

Mr. Chris Garrity asked the Commission what their economic development philosophy was. He continued by asking whose property values they are charged with protecting; the applicant's or the neighbor of the applicant.

Mr. Chalder said that as part of their charge, the new regulations enable the applicant to have a pre-application review. This review will ensure that everyone is protected. Mr. Garrity responded by saying that dealing with the Commission is perceived as very difficult by builders and architects and does not fit in with the Plan of Conservation of Development. Mr. Winter responded that he felt that the Commission spent a lot of time with the community during the writing of the POCD and was very surprised to hear about that concept. When asked if his question had been answered, Mr. Garrity replied that it had not. Mr. Johnson said that he would like to pursue this further with Mr. Garrity at another time and that he felt the Commission had opened up numerous other uses through the special permit process because most applications are not cut and dry. Mr. Winter said that the special permit process will enable the Commission and the applicant to massage the application until the Commission thinks it fits in with the regulations. He stated again that he was very surprised to hear Mr. Garrity's comment.

Mr. John Casey asked if anything was being done about signage as he feels that something needs to be created that is less structured. Mr. Chalder referred him to page 109.

Mr. Jos Spelbos asked why the Commission was using 20 acres as the requirement and not lots which he felt was more important. He also had a question regarding the soil classifications. Mr. Chalder asked Mr. Spelbos to send him an email so that he could figure out the best way to handle his concerns. Mr. Spelbos also asked that a requirement be added to the regulations with regard to obtaining a pre-application approval from the Conservation Commission.

Mr. Garrity expressed his concern over the enforcement of the signage regulations and said that the Land Use Administrator is the one who suffers the wrath of the offender. He asked if she had the authority to remove illegal signs. Mr. Johnson said that she does not. Mr. Winter asked if Mr. Garrity was saying that the regulations were not being enforced universally. Mr. Garrity said that he was not saying that, but was saying that there was no teeth to the enforcement procedure. Mr. Chalder said that at this point in time,

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most of the enforcement is passive enforcement; in other words, Ms. Hayes reacts to complaints. Ms. Hayes said that in most cases she can only go so far with her enforcement and used the car storage on South Road as an example. At this point in the enforcement proceedings, the property owner is under a Cease and Desist Order, but in order to start charging fines or have the cars removed, the Town would have to get a Court Order. Doing so would incur costs for the Town which she is not sure the Town would appreciate. Mr. Chalder suggested that the Town adopt an enforcement ordinance.

Mr. Garrity asked what the Commission was doing to encourage property owners to keep and repair any original barns on their property. Ms. Hicks replied that the Historical Society is in the process of creating an inventory of historic structures throughout the entire Town. She also told Mr. Garrity that there are funds available for their repair and/or restoration.

Mr. Spelbos asked if agricultural buildings are allowed in the Housatonic River District Inner Corridor. Mr. Chalder said that the floodplain regulations cover that and that he was not concerned. With regard to agriculture, Mr. Spelbos asked if clear cutting was allowed. Mr. Chalder said that there is a sensitivity to clear cutting in the Horizonline and that there is a tier hierarchy. Mr. Spelbos then asked if the Industrial District will remain as part of the Village District. Mr. Chalder said that he would discuss it with the Commission.

Mr. Garrity asked by the "Business Hamlet" was not being called "Bulls Bridge Business Hamlet". Mr. Chalder said that they were leaving it generic for future use. He also suggested that "Torrington Area Health District" be changed to "Town sanitarian" in case the Town ever goes with another health district. He also questioned why guest houses are not allowed if the Commission was looking for density.

Mr. Spelbos asked why a special permit was required for interior apartments. He also asked why the owner had to live in the primary residence as stated on page 88. Mr. Manes replied that the word is "principal" and not "primary". Mr. Chalder said that he would take a look at it.

Ms. Lynn Worthington asked if the Commission had discussed the regulation of Air BNB properties. Ms. Hayes replied that they had and determined that if the rental was a "like for like", then there was nothing that the Commission would do. But, if the owner was in residence when the renting occurred, then the owner is obligated to submit an application to become a boarding house or a bed and breakfast. She continued that she did not have the time to investigate every residence listed on Air BNB.

Mr. Garrity asked about regulations with regard to light pollution. Mr. Chalder referred him to the standards.

At this point in the meeting, Mr. Chalder told those present that additional comments could be submitted to Ms. Hayes until November 6th.

With regard to the next meeting, Ms. Hayes said that she would create a doodle poll in order to schedule the next meeting.

6. NEW BUSINESS:

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

No action taken.

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6.B. DISCUSSION AND POSSIBLE DECISION

No action taken.

7. STAFF REPORT:

No action taken.

8. REPORT OF OFFICERS AND COMMITTEES:

No action taken.

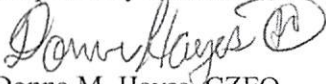
9. OTHER COMMUNICATIONS AND CORRESPONDENCE:

No action taken.

10. ADJOURNMENT

Mr. Manes moved to adjourn at 9:15 p.m. Ms. Hicks seconded and the motion carried unanimously.

Respectfully submitted,


Donna M. Hayes, CZEO
Land Use Administrator

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