

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

MAY 11, 2015 SPECIAL MEETING MINUTES

The Town of Kent Planning and Zoning Commission held a special meeting on Monday, May 11, 2015 at 7:00 p.m. in the Kent Town Hall.

1. CALL TO ORDER

Mr. Johnson called the meeting to order at 7:08 p.m.

2. ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED

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

Staff Present: Donna M. Hayes, Land Use Administrator

Guests Present: Glenn Chalder, Planimetrics

3. READING AND APPROVAL OF MINUTES:

No action taken.

4. PUBLIC COMMUNICATIONS (ORAL):

No action taken.

5. OLD BUSINESS:

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

No action taken.

5.B. DISCUSSION AND POSSIBLE DECISION

5.B.1. Regulation Re-write – review of Chapters 1 – 4 of the second version.

Mr. Johnson turned the meeting over to Mr. Chalder and the review of Chapter 1 began.

Mr. Winter asked that the word “desireable” in the preamble be changed as he was not sure what “desireable” meant. Mr. Chalder said that he would look at.

Ms. Hicks asked if “natural resources” just meant trees, grass, water, etc. Mr. Chalder replied that historic and cultural resources are included on the same line.

With regard to page 7, Ms. Hayes asked if there was a definition of farmer’s market. Ms. Hicks said that she believes that there should. It was mentioned that there is now an issue regarding a new farmer’s market which will be discussed at the next regular meeting. Mr. Chalder said that his reaction is that farmer’s market is a site plan approval in the Village Center Commercial district. It is not defined in the regulation which could benefit the Commission because the Commission could use other codes to help define what it is. The new regulations specifically say “farmer’s market” approved by site plan approval in the Village Center Commercial district.

Mr. Winter asked if there was a definition for “farm stand”. Mr. Chalder referred Mr. Winter to page 41.

Ms. Hicks asked if an “artist” is the same as an “artisan”. Mr. Chalder said that he would be happy to include it and suggested adding the words “or other artistic endeavors” at the end of the definition of “artist”. Mr. Winter agreed as did the other Commissioners.

On page 8, Mr. Johnson asked about “buildable land”. Mr. Chalder said that he has a notation to review this for use throughout the regulation. He explained that this does not say that you cannot build on what is excluded, but that those types of land will not be used when a developer calculates the lot density. Mr. Johnson expressed some concern about it negatively affecting what is being planned for the area next to the Town Hall. Mr. Chalder said that he does not think it would.

Ms. Hicks asked if the definition of “breast height” is common knowledge. Ms. Hayes said that normally “breast height” is about 4’. Mr. Cherniske said that it is usually between 4’ and 5’.

Mr. Johnson asked about “disturbed area” on page 11 and thought it was severe. Mr. Chalder said that it only applies to the soil and erosion control measures. Mr. Chalder will look through the regulation and see where it applies. He said that he may put a clause in about referring to erosion control.

Mr. Chalder said that the highlighted areas on page 12 had to do with the farm housing issues. Mr. Cherniske asked where farm housing was discussed. Mr. Chalder referred him to page 43.

Mr. Johnson asked about “floor area” and said that he thought this applied to the IGA where the storage areas are not included and wondered if the “below grade” would affect how the Commission uses this regulation to calculate parking requirements, etc. Mr. Chalder said that he feels that it could just be the way it is worded. Mr. Johnson said that he feels it would work fine for residential, but not necessarily for commercial buildings. He asked that Mr. Chalder to look at it and figure out how the Commission could calculate parking area for businesses.

Ms. Hayes asked about a thread that had taken place on the ListServ which states that kennels have to register with the Town Clerk. Mr. Chalder said that it is a kennel license and some towns were using that license to regulate how many dogs a property owner could have. According to the regulation, if a resident has one dog, they have a kennel. Mr. Chalder asked if Ms. Hayes has any issue regarding dogs. She said that there was one phone call about setting up a kennel for rescues. Mr. Chalder said that the current regulation was not carried forward and he said that he would adjust it. Mr. Manes said that he would not like to tell someone who breeds their hunting dog once that they are a commercial kennel. Mr. Chalder suggested adding “... housed for commercial purposes” and delete “or sold”. It was suggested that the number of dogs be changed in the definition of kennel. Mr. Johnson asked if the Commission was trying to regulate kennels. Mr. Chalder said that he would work on setting up a tier format.

TOWN OF KENT PLANNING AND ZONING COMMISSION
SPECIAL MEETING MINUTES FOR MAY 11, 2015

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

Mr. Johnson asked about “junk yard” and Ms. Hicks asked if it is allowed. Ms. Hayes said that because the Town does not have a blight ordinance, she uses this to determine if a person has more than 200 sq. ft. of junk on their property. Mr. Chalder referred the Commission to page 97 and said that he will make sure that section 21.1 of the current regulations was capture in this new section.

With regard to page 19, Mr. Johnson asked if the signage regulations would need to be reworked based on a new court case. Mr. Chalder remembered an email from Attorney Zizka and asked Ms. Hayes to try and find out.

Ms. Hayes asked if fracking was included and Mr. Chalder referred her to page 20 under natural gas terms and then again on page 96. While the word “fracking” is not specifically used, the description of the use is.

On page 23, Mr. Johnson asked if, under “school, private”, the entire building was required to be a private school or could part of the building be a “private school”. Ms. Hayes commented that “school, public” says the same thing. Mr. Johnson said that it is unlikely to come up but thought it was worth addressing. Mr. Chalder said that if the current regulation is working, he did not see any reason to change. Mr. Johnson felt that it would be wise to anticipate such a use.

With regard to the illustrations of signs, Mr. Chalder said that he would use his library of signs. Mr. Johnson noted that “nameplate” sign is on there again.

Mr. Johnson said that the Commission has had a lot of problems with the definition of “structure” and used swings as an example. Ms. Hayes said that she does not regulate swings, dog houses, etc and the Commission said that they would not want to. Mr. Chalder said that he could add exceptions in the appropriate sections. Mr. Cherniske said that he tried to find some way to tie their regulation into the building code. Mr. Chalder suggested tying it to the setback requirement. Mr. Chalder referred the Commission to page 35. Ms. Hicks said that “structure” is also used under temporary housing on page 43.

Mr. Chalder said that he would fill in the definition of Conservation and Conventional Subdivision on page 27.

Ms. Hicks asked if the setback line on page 29 also refers to rivers and streams. Mr. Chalder said that he will find it in the current regulations and speak with Ms. Hayes about it.

Mr. Johnson said that he was confused by the terms “yards versus setbacks – setbacks”. Mr. Chalder said that it really should be included with the graphic on page 30 and will combine the two.

Ms. Hayes asked if “youth camp” should be addressed based on information she has been hearing about Club Getaway changing their business plan. Mr. Chalder said that he split up campground and youth camp which made it easier to understand. Ms. Hicks suggested taking away the word “youth” and Mr. Johnson agreed which could allow for other type of camps such as fantasy baseball camps, etc. Mr. Manes asked what the downside would be if the word “youth” and the age limit were removed. Mr. Chalder said that you would be opening the Town to any type of camp. It was decided to leave it as is and if someone wanted a camp for participants over the age of 18, they would have to come before the Commission.

With regard to #10 on page 34, Mr. Johnson asked if the Commission is okay with a “temporary use”. Mr. Chalder referred Mr. Johnson to page 137 which lists all the temporary uses.

Mr. Johnson asked if the Commission wanted to review the permitting of propane tanks as listed on page 36. Ms. Hayes said that issuing them can pose issues if building permits are submitted without the proper zoning permits. Mr. Chalder asked if there was any way to make sure they are placed on the property according to the setback when issuing the building permit. She replied that it can be done as long as she is aware of the building permit.

TOWN OF KENT PLANNING AND ZONING COMMISSION
SPECIAL MEETING MINUTES FOR MAY 11, 2015

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

Mr. Cherniske asked if Ms. Hayes requires property owners to screen the tanks if they are placed in between the front of the house and the front property line as this is a requirement for any structure placed in that location. She replied that she does not require any screening. Mr. Cherniske said there was no reason to have a regulation if it is not enforced consistently. Mr. Johnson said that he feels the Commission jumped the gun on this and is over regulating. Mr. Johnson said that this particular section applies to the Village Center Residential and did the Commission want it to remain in this section and remove it from the rural district. It was decided to regulate their location in the Village Center Residential and Birch Hill Court Districts and remove it from the rural district.

With regard to page 45, Mr. Johnson asked if the Commission thought two family dwellings should be permitted as right in the Birch Hill Court District. Mr. Chalder used an example of buying/inheriting a house, demolishing it and submitting an application to the Land Use Administrator to build a two family dwelling. Mr. Cherniske said that he did not think it would be a good idea. Mr. Chalder recommended moving two-family dwelling to the special permit section.

Ms. Hayes asked where the information was regarding outdoor restaurant seating. Mr. Chalder referred her to page 52. She explained that the Fife N Drum had come in to her office asking how it was handled. Mr. Cherniske said that the tiered approach should be explained as the public hearing because it is a different way of administering the regulations.

Mr. Johnson asked if #26 on page 51 will be added in the appropriate sections throughout the regulations. Mr. Chalder said that it would.

Mr. Johnson asked about the change to the setback language on page 54 and after discussion agreed that it was better language.

Mr. Winter asked where a boarding house is addressed in the rural zone. Mr. Chalder referred Mr. Winter to page 43, #13.

The review ended with page 62.

Mr. Chalder said that he will start to update for all the changes discussed and put them aside during the summer. The next meeting is June 1st at 7:00 p.m. where the discussion will start with Chapter 5.

6. NEW BUSINESS:

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

No action taken.

6.B. DISCUSSION AND POSSIBLE DECISION

No action taken.

7. STAFF REPORT:

No action taken.

8. REPORT OF OFFICERS AND COMMITTEES:

No action taken.

**TOWN OF KENT PLANNING AND ZONING COMMISSION
SPECIAL MEETING MINUTES FOR MAY 11, 2015**

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


9. OTHER COMMUNICATIONS AND CORRESPONDENCE:


No action taken.

10. ADJOURNMENT

Mr. Winter moved to adjourn at 8:56 p.m. Mr. Manes seconded and the motion carried unanimously.

Respectfully submitted,


Donna M. Hayes, CZEO
Land Use Administrator

RECEIVED FOR RECORD
KENT TOWN CLERK
2015 MAY 15 A 11: 24
BY 
TOWN CLERK
ATZ