

**TOWN OF KENT  
PLANNING AND ZONING COMMISSION**

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2015 JUN 11 P 12:32

*J. Hayes*  
TOWN CLERK

**JUNE 1, 2015 SPECIAL MEETING MINUTES**

The Town of Kent Planning and Zoning Commission held a special meeting on Monday, June 1, 2015 at 7:00 p.m. in the Kent Town Hall.

**1. CALL TO ORDER**

Mr. Johnson called the meeting to order at 7:09 p.m.

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

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

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 5 – 8 of the second version.**

The discussion began on page 63, Special Districts.

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Mr. Johnson asked if the word “similar” could be changed to “compatible” under section 5.110.1. because things can be different but still fit in.

Mr. Chalder said that he was using “village district consultant” because there could be instances where it could be required, but the default will remain the “Architectural Review Board”.

Mr. Johnson said that on page 65, #2 under section 5.140, was redundant because it was already discussed on page 64 under section 5.120.3.b. Mr. Chalder suggested adding the word “replacement” after the word “repairs” in section 5.120.3.b. and then delete #2 on page 65.

With regard to #6 on page 65, Mr. Johnson asked about the cross references. Mr. Chalder said that he would make a note to check the cross references noted in both #4 and #6.

Mr. Johnson asked if “Zoning Enforcement Officer” should be added to #8 on page 66. After discussion it was determined that it would remain as submitted.

Mr. Johnson also asked that the cross reference be verified under section 10 on page 66.

Mr. Chalder stated that the Design Considerations on page 67 come from the statute. Mr. Johnson asked that on page 68 under section 5.a., the word “shall” be changed to “should”. Mr. Chalder said that he would replace “shall” in both places under that section. Ms. Hayes asked the Commission if they wanted her to have the ARB review this section. Mr. Johnson and Mr. Chalder said that they thought it would be a good idea. It was also suggested that section 5.200 be shared with the appropriate Commissions for review.

With regard to section 5.340.5 on page 71, Mr. Johnson asked if “new and replacement water supply systems” applied to both commercial and residential. Mr. Chalder said that this was a FEMA requirement and is in place as a pointer to the FEMA regulations.

Mr. Johnson asked if section 5.450.6 on page 73 was needed since this was already a requirement. Mr. Chalder replied that all the towns along the Housatonic River have adopted this language.

Mr. Chalder asked Ms. Hayes if she has access to the map referred to on page 74, section 8. Ms. Hayes said that she has never seen it. Mr. Chalder said that he would make a note to discuss this further with her and if they can’t come up with the map, he will delete the reference.

With regard to page 75, Mr. Chalder said that he cannot explain the logic for this map (see the bottom of page 76). Mr. Cherniske suggested that possibly the map represents the watershed areas. Mr. Chalder said that he would check his resources. It was also suggested that Ms. Hayes check with Mr. Everett, Mr. Spelbos, Aquarian and Ms. Calhoun. When asked if the map is used, Ms. Hayes says she checks the map with every application she receives. Mr. Cherniske stated that most of the prohibited uses are in existence now. Mr. Chalder said that any subdivision in these areas would not be allowed according to section 5.550.1 on page 76. He continued that the section is currently in use and asked how the Commission wanted to move forward. Mr. Johnson also suggested that #4 on page 76 be moved to “prohibited uses” on page 75 or to the beginning of “permitted uses” on page 76.

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Mr. Johnson asked if lighting should be made as item d under section 5.642.1. Mr. Chalder said that he would add: "any illumination will be in accordance with 5.641.3".

Mr. Johnson asked that "for Horizonline Applications" be added after "site plan standards" on page 80. Mr. Chalder agreed and said that he would check that globally.

On page 81, Mr. Johnson commented that there are numerous mentions of "train station" and asked if a more general term should be used, i.e., "public transportation service". Mr. Chalder said he would replace "train station" with "public transportation facilities" under the Purpose and Intent section and remove "train platforms, station buildings" from the remainder of the sentence. Mr. Chalder said that he would delete #1 under section 5.740.1 and eliminate the words "train station buildings and" from the beginning of #2 of the same section.

With regard to page 83, section 2c and 4 are too restrictive. Mr. Manes said that many residents within the Town are in violation of this regulation. Mr. Johnson said that if the wording remains and someone complains, the resident would be required to come in and apply for a special permit. Ms. Casey said that the contractors are a very important part of the Town and asked how to be fair. Mr. Cherniske suggested adding "not in front of the house". Mr. Chalder said that there is a hierarchy set up in the definitions. He continued that #2 is redundant and suggested making it specific to office or minor home occupation. Mr. Chalder said that the Commission could decide to remove all restrictions. Mr. Johnson said that he is comfortable with the restrictions as it gives the Town some teeth. Mr. Chalder suggested taking out the words "home based" and adding "office or minor home occupation". Ms. Hayes asked that the wording be consistent throughout the rest of the section.

Mr. Chalder said that he will coordinate page 86 with the rest of the changes made to ensure that they are consistent.

Mr. Johnson said that he has a general question regarding private roads. Mr. Chalder said that #1 under section 6.450 allows them. Mr. Johnson asked why a new road could not be created to service four lots. Mr. Chalder asked what the width of a Town road is and thinks that this will allow the use of an existing farm road which would be narrower. Mr. Cherniske stated that allowing the use of the farm road prevents further disturbance to the land. Mr. Chalder asked the Commission if they were okay with still allowing private roads. After reading the current requirement of road width in the subdivision regulations and further discussion, it was determined that no changes be made and the section will remain as is.

Mr. Chalder said that pages 90 – 93 represent the division of the current section covering both campgrounds and youth camps. He continued that he had circled sections 10 – 13 on page 91 for discussion. Ms. Hayes asked if there was a campground in the Town. Mr. Manes said that you can camp on Macedonia but it is State run. It was noted that there is also a State run campground on Lake Waramaug. Ms. Casey asked what would happen if one or the other of the existing camps decided to convert to a campground. Ms. Hicks asked if "campground" suggested public use. Ms. Casey said that to her it does. Mr. Manes said that there are many "campgrounds" throughout the country that are privately owned but open to the public. Ms. Hayes explained that there is currently an issue regarding a property owner who is allowing hikers from the Appalachian Trail to camp in her backyard. An adjoining property owner complained to the First Selectman who called her to discuss. During the conversation, Ms. Hayes explained that this was not a zoning issue. Ms. Hayes' question was whether or not this could be considered a "campground". It was decided during discussion that it did not appear to be a commercial

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activity and, therefore, would not be considered a “campground”. Mr. Chalder said that as long as it’s a voluntary use, it would not be a zoning issue. Mr. Johnson said that he was comfortable with everything on pages 90 and 91 but asked Mr. Chalder if he could revisit the definition of “campground”. Mr. Chalder said that he will take a look at it and add “commercial” to the definition.

Mr. Johnson said that he has no objection to rv camping. Mr. Cherniske said that it could possibly be just an open field. It was noted that these uses are allowed via a special permit as noted on page 40. Mr. Johnson said that it would be good to set up a reference back to page 40.

With regard to page 92, Ms. Casey said that she did not understand the Purpose and Intent and #6. With regard to #6, Mr. Manes said that he does not think this is referring to the staff use of minibikes, motorcycles, etc. but rather the use by campers. Mr. Johnson said that he does not care who is using the equipment. Mr. Manes asked what would happen if a new camp were to be established. Mr. Chalder said that he would remove “which have been established in Kent” from the Purpose and Intent section on pages 90 and 92. Going back to section 6 on page 92, Mr. Manes said that he is not sure how the Commission could regulate the use of the vehicles listed by the staff and suggested adding verbiage to further clarify. Mr. Chalder suggested breaking the section into two sentences. Mr. Johnson said that he disagrees. If the equipment is being used in a reasonable manner, there will be no issues, but leave the language in order to enable open discussion if there is a complaint. It was decided that section 6 on page 92 will remain as is.

With regard to section 6.730.3 on page 92, Mr. Johnson said that he would not like to limit the camps to a certain time frame especially since Club Getaway is planning on partnering with Camps Road Farm on farming educational programs. After discussion it was decided to remove it.

Mr. Johnson questioned the 300’ limitation written in section 8 on page 93. Mr. Chalder said this is also written on page 91 and was part of the original regulations. Mr. Cherniske said that it should be consistent with the Inland Wetland regulation which is 200’ from a watercourse. Mr. Manes suggested taking it out and Mr. Johnson said that he would like to leave it in to prevent the possibility of someone constructing a campsite on the water’s edge which could harm the watercourse. Ms. Hicks stated that the word “constructed” seems to indicate something permanent. Mr. Chalder suggested changing “constructed” to “established” and 300’ would be changed to 200’ on both pages.

With regard to #10 on pages 91 and 93, Mr. Manes asked that it be changed to: “...any provisions of the Connecticut Public Health Code ...”.

Mr. Johnson asked that the specific daylight hours be added to section 3.b. on page 95. Mr. Chalder said that he would change it to read: “...80 decibels from 7 a.m. to 10 p.m. or 55 decibels from 10 p.m. to 7 a.m. ...”.

Mr. Chalder noted that the language on fracking was added on the bottom of page 96.

Mr. Chalder said that he has a note indicating that the language from the current section 21.1 be added to page 97.

Mr. Johnson said that 3.f. on page 101 was too gentle. Mr. Chalder said that if an engineer designs the slope, this provides some sort of leeway.

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Mr. Chalder said that if the Commission can get through the signage section and let him discuss section 10, procedures and statutory requirements, with Ms. Hayes, they could finish the review on June 25<sup>th</sup> by starting on page 109.

With regard to section 8 on page 103, Mr. Johnson asked if it would be possible to regulate other nation's flags. Mr. Chalder asked if there was a commercial purpose or intent, it could possibly be regulated but cautioned that it would be a very fine line. Ms. Hayes suggested asking Attorney Zizka. Mr. Chalder suggested removing it as the language does nothing at all. He continued that the sign regulation could cover it. Mr. Manes asked what is considered "official flag". Mr. Cherniske said that if it was removed does that mean that flying the American flag is prohibited. Mr. Chalder said that the focus should be on commercial signage. Mr. Johnson said that he sees no harm in taking it off and that if the Commission sees a flag that is a sign, the Commission could address it then.

Mr. Johnson asked that the word "a" be removed from the second line of section 8.122.3 on page 104 and make "flag, banner or sign" plural.

Mr. Johnson said that he is not sure that the Commission had a final discussion on how to regulate the portable signs section on page 105. Mr. Manes asked if there was some way to write this in such a way that they are regulated when there is an issue. Mr. Chalder said that to be the most lenient, he would recommend eliminating sections b and e. Mr. Cherniske said that he would like it to be definitively defined. Ms. Hayes asked if they had removed it from ARB approval. Mr. Cherniske said that he would not want ARB approval. Mr. Manes said that he would recommend just removing section 3 from ARB approval because the other signs could have a larger impact. Mr. Cherniske asked if ARB wants to regulate signs. Ms. Hayes said that she was not really sure. Mr. Chalder suggested adding "and maybe referred to the Architectural Review Board". Ms. Hayes asked about the rest of the signs and Mr. Manes suggested that the rest of the sign approvals remain with the ARB but not to the Commission. Mr. Johnson agreed but asked if the Commission was worried about the number that might be used. Mr. Manes said that if you let one, you have to let all. How do you do otherwise? He also stated that the signs are usually put out on the weekends when Ms. Hayes is not working.

On page 107, Mr. Johnson asked if section 2 should be removed. Mr. Chalder pointed out that the end of the section says "except as permitted by these Regulations". He feels that verbiage allows the section to remain.

Ms. Hayes asked about "exposed neon lights, bulbs or tubes" on page 107. Mr. Chalder explained that the exposed neon tube is what most people object to. Ms. Hayes said that the current regulations do not allow any type of neon lights. Mr. Chalder said that the exposed ones are not allowed and Ms. Hayes responded that if they are placed inside or behind the sign they are now allowed. An internally illuminated sign is not allowed and that would apply to a sign with any lighting inside. Mr. Chalder said that it all depends on what the Commission wants. He suggested prohibiting all lighted signs unless they are lit from the exterior by a spot light. He also suggested changing the word "prohibited" giving the Commission the opportunity to allow something that might be a new and innovative design. Ms. Hicks suggested placing a time limit on when the neon signs could be lit. Mr. Johnson said if every sign, with the exception of the a-frame signs, have to go to the ARB, is the Commission covered. Mr. Chalder suggested that the list be split with sections 2, 8 and 9 could be approved by the Commission via the special permit and the ARB and the other ones will be prohibited. He will also change the language. Mr.

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Johnson asked if #5 on the top of the page should be added to section 8.160 at the bottom of the page. Mr. Chalder said that could be handled via a complaint.

Mr. Chalder said that the Commission would be meeting again on June 25 and will start the discussion on page 109.

**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.

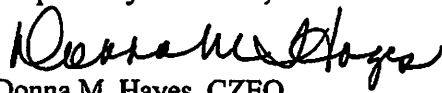
**9. OTHER COMMUNICATIONS AND CORRESPONDENCE:**

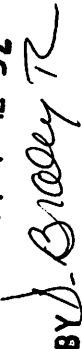
No action taken.

**10. ADJOURNMENT**

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

Respectfully submitted,

  
Donna M. Hayes, CZEO  
Land Use Administrator

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