

# KENT TOWN PLAN OF CONSERVATION AND DEVELOPMENT

2001

(Readopted January 8, 2004)

## INTRODUCTION AND HISTORY

Connecticut State statute requires every Municipality to prepare a Plan of Conservation and Development and has charged local Planning and Zoning Commissions with this responsibility. The statute further requires that the plan be revised every ten years.

Kent's first Plan of Development was adopted by the town in 1975. For the most part its recommendations only provided general guidelines for future development and conservation. Due to development pressures in the 80's, the Planning & Zoning Commission undertook a major rewrite for 1989. The revision reinforced the direction of the original plan, but added the detailed policies and recommendations which were needed to respond to changes facing the community.

The 1989 Plan of Development had as its primary goal: *"To maintain and enhance Kent's small town atmosphere, its diversity of people, housing and employment opportunities, especially as found in the Village Center. To preserve Kent's rural character and appearance, especially its open spaces, views and vistas as seen from its system of roads."*

Following from this goal, four major subject areas were identified and overall policy formulated for each. These subject areas were: the Village Center, Housing, Natural Resources & Open Space and Roads & Growth Management.

In acknowledgment of the special importance and complexity of Natural Resources & Open Space, a comprehensive open space plan was recommended and undertaken in 1990 by the Inland Wetlands/ Conservation Commission. The resulting Town Character Study & Open Space Plan provides a blueprint for land use commissions, town officials, land trusts and property owners on how to preserve Kent's rural character and natural resources. The study was adopted by the Planning and Zoning Commission in 1995, and following a public hearing, was made part of the Town Plan of Conservation and Development.

Since the adoption of the 1989/90 Plan many of its recommendations have been implemented. As a result the town's small town atmosphere and rural character remains intact in spite of the significant growth that has occurred in the last decade.

Therefore, the recommendations, goals and general policies of the 1989-90 Kent Plan of Development remain in place with only minor revisions and updates. Key elements of the Town Character Study have been incorporated into the main text of the 2001 Kent Plan of Conservation and Development. However, the entire Character Study is an integral and legal component of the 2001 Plan of Conservation and Development.

## **I - KENT VILLAGE CENTER**

### **Introduction**

Kent's Village Center is the hub of the town's activity. It is the center of business, government and public education facilities. Located on river valley bottom land at the confluence of the Housatonic River and Macedonia Brook, the Kent Village Center is a pleasant mixture of old New England houses and more recent development.

This section of the Plan of Conservation and Development involves analysis and planning recommended for residential use, single family and multi-family; commercial land use; public utilities (water and sewer systems); village center circulation; parking; signs; lighting and other factors influencing the future development and appearance of the Village Center.

### **Overall Policy**

TO MAINTAIN AND ENHANCE THE APPEARANCE OF THE KENT VILLAGE CENTER AS A WELL DEFINED AND CONTAINED CENTER WITH A MIX OF RESIDENTIAL TYPES AND DENSITIES, AND BUSINESSES, WHICH PROVIDE SERVICES TO BOTH LOCAL AND AREA RESIDENTS AND OTHER BUSINESSES.

This overall policy and the recommendations that follow from it are designed to concentrate growth within a clearly defined Kent Village Center, to encourage siting and design that maintain Kent's New England town appearance and to discourage the erection of structures that, by architecture or design, conflict with these goals. These recommendations are designed to continue the variety of housing and business opportunities which is characteristic of Kent's historic development pattern.

### **Recommendations**

#### **1. Village Center Boundaries**

The Village Center area as set forth in existing town maps.

#### **2. Sewer Service and Village Center Zoning**

- A. To accomplish the goal of concentrating growth within a clearly defined Kent Village Center, the existing and future sewer service area should remain coincident with, and be limited to, the Village Center boundaries. The Kent School area on the west side of the Housatonic River, while served by the sewer system, should not be included in the Village Center.
- B. Zoning districts and site plan criteria for uses in the Village Center sewer service area should permit a mix of residential densities and types of commercial uses compatible with the overall goal of maintaining Kent's New England village appearance.

- C. Designation of land within the Village Center as suitable for high density multi-family development should be established in the Zoning Regulations. Design criteria should require the applicant to demonstrate how the development will blend with surrounding land uses and visually enhance the Village Center.
- D. One of the most important high density developable sites is the Kent Green. It is recommended that this area be more fully integrated into the rest of the Village Center by providing better access for both pedestrians and vehicles. To this end, the possibility of creating new streets and pedestrian walkways to improve traffic patterns should be explored.
- E. Other areas with potential for permitting high density uses and extension of the sewer lines include portions of the land in the northwestern section of the Village Center.

### 3. Water Service

Public water service and sewerage treatment capacities are important in determining the potential type and destiny of development. The State Department of Public Utility Control, which regulates water companies, will not permit major new water connections which cannot be properly supported by an adequate storage and delivery system.

### 4. Kent Village Center Zoning Districts

#### A. R-2 Single Family Residential Zone

- 1. Where either public water or sewer is lacking it is recommended that the minimum lot size in the R-2 zone be 40,000 sq. ft.
- 2. Within the R-2 Zone it is recommended that cluster housing be permitted in subdivisions of 3 or more lots. This would allow homes on smaller lots. The cluster subdivision should be allowed only where the overall site plan will result in a continuity of structural and landscape design on the street frontage and maintain a buffer of green space along the Housatonic River.

#### B. R-1 Single Family Zone

- 1. Within this zone it is recommended that lots with either water or sewer, but not both, should be required to be twice the minimum size as lots served with both town water and sewer. This change will permit off setting of the home site to one side of the lot. Subsequently, when the other utility is extended, the lot can be split into two smaller lots.
- 2. Within the R-1 Zone it is recommended that cluster housing be permitted in subdivisions of 3 or more lots. This would allow homes on smaller lots. The cluster subdivision should be allowed only where the overall site plan will result in a continuity of structural and landscape design on the street frontage and maintain a buffer of green space along the Housatonic River.
- 3. To the greatest extent possible the remaining undeveloped land in this zone should be developed in such a manner as to be visually and architecturally compatible with

the existing character of the present residential areas such as Elizabeth and Lane Streets.

#### C. Multifamily Residential Use and Open Space

The Commission should explore the possibility of reducing the amount of required landscaped green space associated with a multi-family development in the village area where a proposed development guarantees protection of farmland or valuable open space either inside or outside the Village Center.

#### D. Parking

Parking, especially on weekends, is an increasing problem in the Village Center. It is recommended that creative parking options be explored and encouraged. Possible alternatives and solutions could include fuller utilization of existing rear and side parking areas and requiring that all future uses integrate required parking into development plans. Public/ private partnerships to maximize all usable parking in the Village Center should be considered, including alternative and underground facilities.

#### E. Village District

The Village Center's existing ambiance is vital to the character of Kent and its position as a tourist magnet. It is recommended that the Planning and Zoning Commission explore utilizing the Connecticut Village Districts Act (Section 8-2j, 8-3(a) as amended by PA No. 00-145) to ensure the Village Center's character is maintained.

#### F. Parks

To maintain and enhance the Town's attractiveness to its residents, pedestrians and tourists, the feasibility of creating one or more "pocket parks", plazas or squares should be explored. Such areas can serve as a focus for Town activities and stimulate attractive, commercial development. One site which suggests development of this sort is the so-called "Golden Falcon" lot on Main Street. Other locations may also be identified. It is recommended that the Town take action in this regard while such sites remain undeveloped.

## II HOUSING

### Introduction

During the past ten years, the Kent housing market has had both highs and lows. However, the volatility of the real estate market did not hit Kent as hard as it hit other Connecticut towns because of the interest of second home buyers. This "second home" market has become a dominant factor in the development of Kent. Large subdivisions left over from the 1980's real estate boom have been reintroduced by new developers or modified to better fit today's market which is primarily second home buyers.

Affordable housing continues to be a key concern. The recent decision to permit Kent Affordable Housing to build 24 units of affordable housing on 3.9 acres of land given by the town is demonstrative of the importance of this issue in the view of town residents. There is a wide

gap between the cost of housing and the income of many people who work in the local service industries or are employed by the Town. These same citizens make up much of the corps of volunteers who sustain Kent's emergency fire and ambulance services. The need for affordable rental housing is particularly acute for those working and retired households that cannot afford market rents of \$700 and more. From a planning perspective, affordable housing is best located near the town center and on the town's sewer system.

As a result of recommendations in the 1989 Town Plan, zoning regulations have been changed to allow more flexibility to landowners to use accessory apartments. However, other recommendations have not been addressed, but are still valid.

### **Recommendations**

The 1989 Town Plan made the following recommendations which are still valid.

1. Creation of a Permanent Housing Oversight Group

Affordable Housing addresses some housing needs, but not all.

2. Add or Modify Existing Regulations to Expand the Opportunity for Housing Alternatives

- A. Establish a special exception use for town-sponsored affordable multi-family housing
- B. Revise the cluster subdivision section of the zoning regulations
- C. Revise multi-family regulations in the Village Center residential zones
- D. Revise special exception regulations in the Village Center to allow conversions of single family houses to multi-family use
- E. Consider adding special incentives and trade-offs to encourage the private sector to provide new alternative housing opportunities
- F. Consider existing regulations and amendments which help reduce housing development costs

## **III - Roads and Growth Management**

### **Introduction**

A Town road system should be designed to permit easy traffic circulation, safe movement of traffic and adequate access for emergency vehicles. Because the cost of improving and maintaining Town roads is a major portion of the Town budget, it is essential that the Town road program be designed to be cost efficient over the long term.

The location and the design of new roads permitted in a community directly correlate to the form and appearance of its land use. With careful forethought a Town road program can shape and support the Town Plan of Development.

## **Overall Policy**

TO ESTABLISH A HIERARCHY OF WELL DESIGNED AND MAINTAINED ROADS WHICH PERMIT SAFE AND CONVENIENT VEHICULAR CIRCULATION, AND PROVIDE GOOD ACCESS FOR FIRE AND EMERGENCY VEHICLES.

TO SUPPORT THE TOWN POLICY TO CONTROL AND DIRECT GROWTH AND MAINTAIN AND ENHANCE THE TOWN'S RURAL CHARACTER, ESPECIALLY AS VIEWED FROM ITS SYSTEM OF ROADS.

## **Accomplishments**

There have been several major actions taken since the 1989 Town Plan was adopted which affect town roads and growth management.

### **1. Scenic Road Ordinance.**

The Scenic Road Ordinance, passed in 1989, allows homeowners to petition the Planning and Zoning Commission to designate their road as "scenic" based on specific criteria. The Scenic Road Ordinance does not prevent the Town from conducting routine maintenance or improvements on designated roads, but it does require that alterations and improvements be approved by the Commission, and that such changes "shall be discouraged except for reasons of public safety."

To date, seven Town roads have been designated as scenic:

- Treasure Hill Road
- Kent Hollow Road, from Rt. 341 to Upper Kent Hollow Rd.
- Cobble Road
- Cobble Lane
- Skiff Mountain Road - a portion
- Geer Mountain Road
- Mud Pond Road

The Scenic Road Ordinance recognizes that certain visual and aesthetic characteristics (scenic views, stone walls, mature trees, etc.) enhance the lives of the people who live in town and who travel its roads and those characteristics should not be compromised or sacrificed without good reason.

### **2. Scenic Road Designation for Route 7.**

The State of Connecticut has designated Route 7 as a state scenic road as it passes through Kent, Cornwall, and Sharon. In 1988, the State also completed a Route 7 Scenic Corridor Management Plan in which the State recognizes and commits to the rural and scenic values of the Route 7/Housatonic Corridor.

### **3. New Subdivision Regulations**

Kent's new Subdivision Regulations, passed in 1995, established uniform design and construction standards for all new roads. Private roads must now be built to the same standards as public roads, and all roads must be paved. Well-constructed and paved

roads provide easier and safer access, and are cheaper to maintain. This is important because of the possibility of a private road becoming a public road in the future.

The new subdivision regulations allow the Commission to require up to 15% open space in any new subdivision, or accept a payment in lieu of open space. The open space provision gives the Commission discretion to protect natural areas and features, provide buffers between areas of use, or protect land suitable for active recreational use.

Conservation Developments are allowed on parcels larger than 50 acres in the Rural District. These developments allow more dense development on some areas of the subdivision, while requiring larger areas of open space. The Conservation Development regulations allow the flexibility to design subdivisions which are sensitive to the land, and to avoid repetitive cookie-cutter lots imposed upon the land.

## **Recommendations**

### 1. Subdivision Regulations

- A. The Planning and Zoning Commission should ask its engineer to review the road and drainage requirements in the current Subdivision Regulations to ensure their adequacy. The Commission should consider allowing narrower roads in subdivisions. Wider roads encourage faster traffic, higher costs, and greater disturbance of the land during construction. Curbs and drainage structures should also be reviewed, to strike a balance between performance and esthetics.
- B. Hillsides and ridges deserve special consideration because of their high visibility from many places in Town. The Planning and Zoning Commission should review its existing regulations and consider changes to minimize the visual impact of development in these areas.
- C. The Planning and Zoning Commission should consider accepting only cash bonds for work done under the Subdivision Regulations and Zoning Regulations. Letters of credit have proven difficult or impossible to collect upon during the past decade. The Town's interests must be guaranteed.

### 2. Road Management Program

- A. The Board of Selectmen, with assistance from a professional engineer, should prepare a long-term road maintenance and capital improvement program for Town roads. While the Selectmen need a detailed improvement program for the near term (3 to 5 years), broadly defined 20 year maintenance and capital improvement programs for all Town roads would greatly assist the Planning and Zoning Commission in reviewing proposed subdivisions.
- B. The Town should attempt to ensure that all road work by the State, Town, and private parties (intersections, signs, guardrails, drainage facilities, and other above-ground accessories to road construction) result in minimal impact on the rural look of Kent's roads. Kent's system of roads must be safe and efficient, but it should also be designed to minimize visual impact on the land. Kent's roads should convey a sense of leisurely

travel through a special region, rather than encourage the traveler to move as fast as possible, oblivious to the surrounding town and people.

- C. The word "improvements" be removed from the Scenic Road Ordinance. Scenic roads, almost by definition, need only to be maintained, not improved.

### 3. Large Parcel Planning

Large parcels of undeveloped land currently enhance the rural feel of the Town. They also present the biggest potential for change and impact in the future. A task force should be formed to review land use/zoning/subdivision regulations regarding large parcels. Representatives of the various Town agencies, commercial interests, and citizens groups should be invited to serve on the Task Force.

### 4. Land Use Administration and Coordination

Effective land use regulation requires efficiency and professional assistance, as well as cooperation between the various local land use boards and commissions. Local volunteer boards are relying more and more on staff and professional assistance to cope with the growing complexity of legal procedures and technical requirements of land use regulation and planning. The following suggestions are offered to help the Town shape an effective local planning and land use program.

- A. The Planning and Zoning Commission should call for a joint meeting of members of the local land use agencies at least twice a year. Agendas should be developed to discuss problems of interest to all agencies.
- B. The Planning and Zoning Commission should hold at least one special meeting each year to review its past activity, identify new issues in need of special study, and to reexamine its policies and regulations.
- C. The Planning and Zoning Commission should, at its discretion, convene a project review meeting for any large or complex subdivision or site plan proposal. At this meeting all boards and commissions and Town officials can identify their individual concerns, which can then be jointly communicated to the applicant.

### 5. Zoning and Subdivision Regulations

- A. The Town of Kent is currently not required to follow the same zoning regulations which affect all other property owners. As the town acquires more land it should be held to the same standards as any other developer to ensure consistency and fairness. The Planning and Zoning Commission should encourage putting this issue before a Town Meeting. Connecticut state law requires a municipality to be subject to local zoning unless specifically exempted by a vote of its legislative body.
- B. The Planning and Zoning Commission should conduct a continual review, formal and informal, of its regulations.

## **IV - NATURAL, CULTURAL & RECREATIONAL RESOURCES**

Water Assets, Housatonic River, Farmland, Scenic Views, Ridgelines, Wildlife Habitats, Town Character Areas and Historic Houses & Sites

### **Introduction**

Kent's natural and cultural resources are paramount to its character and uniqueness. Two major actions were taken to meet the 1989 Plan of Development's primary goal of *preserving Kent's rural character and appearance, especially its open spaces, views and vistas as seen from its system of roads.*

The Town Character Study & Open Space Plan which provides a blueprint for how to preserve Kent's rural character and natural resources was commissioned and adopted as part of the Town Plan of Conservation and Development. The complete text of the Character Study is appended to this narrative.

The Town Character Study recommended that the Conservation Commission take a more active role in land preservation. In recognition of the importance of the Town's conservation objectives, the Conservation Commission was separated from the Inland Wetlands Commission in 1999 so it could focus its attention solely on these objectives.

### **Overall Policy**

TO PRESERVE CRITICAL WATER ASSETS, ESPECIALLY FOR DRINKING WATER, RIPARIAN ZONES, WILDLIFE HABITATS, FARMLAND, SCENIC VIEWS, RIDGELINES, TOWN CHARACTER AREAS, HISTORIC HOUSES AND SITES AND TO DIRECT GROWTH TO THE LEAST VISUALLY AND ENVIRONMENTALLY DISRUPTIVE AREAS.

### **Recommendations**

#### **1. Water Assets**

As of 1998, the Inland Wetlands Commission can review and limit activities within 200 feet of the edges of all watercourses, including rivers, streams, and lakes, and 100 feet from wetlands. This is an important step in preserving the quality of water resources. Maintaining the natural vegetation along water edges is vital to filtering out pollution from run-off from roads, lawns and development sites, as well as providing leaf fall and other biological material essential to the aquatic food chain, and to providing essential cover for wildlife and life support systems for migrating waterfowl and birds.

It is recommended that:

- A. Every effort should be made by the Inland Wetlands Commission to protect natural vegetation along rivers, streams and lakes, particularly those designated by the State as having special significance.
- B. Town officials should provide sufficient funding to enable technical experts to be retained when needed to support Commission decisions.

The State Plan of Conservation and Development has designated the following streambelts in Kent as being of highest significance:

- West Aspetuck River Streambelt and all those within its watershed,
- Wetlands and watercourses associated with Kent's public water supply off of Route 341,
- Streambelts associated with Cobble Brook
- Streambelts around North and South Spectacle Lakes,
- Streambelts around Womneshunuk Brook, Leonard and Hatch Ponds,
- Thayer Brook Streambelt,
- Bull Mountain Brook Streambelt,
- Streambelts associated with Kent Falls,
- Tributaries and streambelts associated with the Housatonic River, especially North Kent Brook.

## 2. Housatonic River Corridor

For decades the Housatonic River Corridor in Kent has been highlighted in local, state and regional plans as a top priority for conservation because of its natural resources and scenic beauty. Since 1989 action has been taken to protect the corridor from the suburban sprawl moving north along Route 7 including:

- Strengthening of the Housatonic River District which regulates land uses and limits commercial activity to existing areas
- Designation of Route 7 as a State Scenic Road
- Purchase by the Kent Land Trust of 135 acres of farmland in the Southern Gateway area.

However, much still needs to be done. Most of the land on the southwest side of the river corridor is in large private holdings. The Kent School, Preston Mountain Club, Schaghticoke Indian Reservation and the Connecticut Light and Power Company own significant acreage in this area. Only the Appalachian Trail, owned by the National Park Service, is immune from development.

From Flanders north, the National Park Service owns 1440 acres on both sides of the river corridor. Seven hundred acres along Route 7 (formerly the Stanley Works) is owned by the Conservation Fund and partially protected by a National Park Service conservation easement restricting development in areas than can be viewed from the Appalachian Trail.

According to a joint study by the Housatonic Valley Association and the Kent Land Trust, there are hundreds of acres of unprotected prime and important farmland in the Housatonic River Corridor.

To protect this land it is recommended that:

- A. The Planning and Zoning Commission review the Housatonic River District to ensure that development is restricted to the least scenically vulnerable areas and public access to potential recreation areas is preserved
- B. The Planning and Zoning Commission consider prohibiting land clearing in scenic areas, wetlands and around visible structures

- C. Mechanisms to encourage farmland in north Kent along Route 7 to be kept intact, be investigated
- D. The Conservation Commission should review the entire Bull's Bridge area, identified by the State as one of the most significant sites in Connecticut for plant species of special concern as well as an area of archeological and early American historic significance, and make recommendations for its management.

### 3. Farmland

Even though very little commercial farming remains in Kent, the impact of agriculture on the landscape is the basis of Kent's rural character and the preservation of this character and appearance is a primary goal of the Plan of Conservation and Development. It is recommended that the following actions be taken:

- A. Planning and Zoning Commission should consider requiring the siting of new houses at the edges rather than in the centers of farm fields, especially when those fields are visible from town roads
- B. Continue the "adopt a view" program order to maintain scenic views
- C. The town should continue to provide tax relief for agricultural lands under Public Act 490 and its open space classification.
- D. Encourage developers and land trusts to protect remaining large tracts of prime farmland especially along Route 7, north and south, in Macedonia and in Kent Hollow

### 4. Wildlife Habitats

- A. The State Department of Environmental Protection has identified and mapped fifteen areas of special concern in Kent which are critical to maintaining the State's biological and wildlife diversity. This inventory includes habitats of federally listed threatened and endangered species, and State identified critical habitats. The Planning and Zoning Commission should refer to these maps when considering subdivision applications. If development is proposed in one of these 15 areas, Planning and Zoning should submit the plans to the State Department of Environmental Protection for review and comment.
- B. Land trusts and conservation groups should be encouraged to focus on protecting lands that link up with existing open spaces to provide continuous wildlife corridors. This should also be considered by the Planning and Zoning Commission during the subdivision process when designating land for the 15% Open Space set aside.
- C. The protection of natural vegetation along rivers and streams which provides cover and nesting sites for wildlife and birds should be a consideration in the siting of houses or other buildings.

### 5. Town Character Areas

The physical attributes of the 20 Town Character areas identified by the 1990 Kent Town Character Study are key to the essential character of the Town.

- A. A pre-application review by the Planning and Zoning Commission and the Conservation Commission of any proposed development in these Character Areas should be considered.
- B. Efforts should be made by the Zoning Enforcement Officer and the Building Department to inform landowners in the Character Areas that these are areas of special concern so the property owner may explore options before committing to a specific design or funding process. The Kent Land Trust Land Planning Service may be of assistance to property owners, in these Character areas, who want to develop their property.
- C. A series of public informational meetings on the Character areas should be considered.
- D. Zoning and Subdivision applications should include a box to check off if site is located in a Town character area.

#### 6. Historic Sites

- A. Assistance should be sought from the Kent Historical Society to identify and map all historic sites within the Town of Kent. The Planning and Zoning Commission prior to the granting of any subdivisions or approval of site plans should refer to this map.
- B. All approved site plans and subdivision maps should show the location of designated historic sites.
- C. New buildings near a site should be located as to avoid disturbance or destruction of the site.
- D. Inclusion in the State and Federal Listing of Historic Places should be sought for all Kent Historical Sites.

#### 7. Historic Houses

The Town of Kent has over 100 houses dating from its founding in 1739, and hundreds more date from the 19th century. The only protection for these houses is the Town's Delay of Demolition Ordinance which, as the title indicates, delays demolition for 90 days. A Historic Buildings Task Force should be formed by the Board of Selectmen to make recommendations regarding protecting the historic buildings in Kent.

#### 8. Assessment of Existing Open Space

For many years State and Federal Government agencies have owned and protected large tracts of land in Kent: Kent Falls and Macedonia Brook State Parks; the Wyantenock State Forests, and the Appalachian Trail. In the late 80's, the Weantinogue Heritage Land Trust and the Kent Land Trust started to focus on protecting smaller, scenic areas through the use of conservation easements which keep the protected properties on the tax rolls. This effort emphasized the protection of land visible from Town Roads. Due to these efforts and the Planning & Zoning open space requirements for sub-divisions, protected land in Kent has increased from 6,500 acres in 1989 to 9,400 acres in 1999.

An updated list of preserved open space both public and private, and land which carries a conservation easement, is appended to this Plan

In summary the town of Kent has made great progress in preserving its natural resources, and scenic assets. Many of the goals of the 1989 Town Plan have been achieved, but much remains to be done.

## 9. Recreational Areas

While some of the preserved open space within the Town of Kent lends itself to outdoor recreational activities such as hiking, there is a lack of land available for organized sports for the town's youngsters who do not attend one of the local private schools. A plan should be developed for additional recreational facilities, including public access to the Housatonic River, or alternatively, some effort should be made to allow the town children use of some of the school facilities during times when they are not otherwise in use.

## **V – Classification of Land as Open Space Land**

### **Statement of Purpose**

The purpose of this section of the section of the Kent Plan of Conservation and Development is to designate areas of the Town of Kent which qualify for classification as “open space land” for purposes of property taxation pursuant to Connecticut General Statutes (C.G.S.), Section 12-107e. “Classification of land as open space land.”

### **Definition of “Open Space Land”**

C.G.S., Section 12-107b©defines “open space land” as follows: “any area of land, including forest land, land designated as wetland under Section\_22a-30 and not excluding farm land, the preservation or restriction of the use of which would (1) maintain and enhance the conservation of natural or scenic resources, (2) protect natural streams or water supply, (3) promote conservation of soils, wetland, beaches or tidal marshes, (4) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open spaces, (5) enhance public recreation opportunities, (6) preserve historic sites or (7) promote orderly urban or suburban development.”

### **“Open Space Land” Areas**

Land in single family residence zoning districts as defined in the Kent Planning and Zoning Regulations and as shown on the Kent Zoning Map, as amended, on the following conditions:

For a parcel of record – A parcel of record shall be designated as “open space land” if it is not approved by the Kent Planning and Zoning Commission either for residential development or for a special permit use, and if it is recorded as “vacant” on the Town of Kent assessor records.

Where a parcel of record is recorded as “improved” on the assessor’s records, that portion of the parcel which is in excess of five acres, shall be designated as “open space land” if said portion is recorded as “vacant” on the Town of Kent assessor records, and said portion is not proposed for development on a site plan approved by the Kent Planning and Zoning Commission.

For a lot approved for development in a subdivision approved by the Kent Planning and Zoning Commission, that portion of the lot which is in excess of five acres shall be designated as “open space land” if said portion is recorded as “vacant” on the Town of Kent assessor records and if

said portion is not proposed for development on a site plan approved by the Kent Planning and Zoning Commission.