



**Minutes of Regular Meeting No. 1050 of the Killingworth Planning & Zoning Commission  
Held on Tuesday, May 21, 2013, at the Killingworth Town Office Building, 323 Route 81,  
Killingworth, Connecticut.**

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2. Minutes of Regular Meeting No. 1049 Held May 7, 2013

**Motion by Gross, second by Morgan, to approve May 7, 2013 Minutes as written. PASSED  
UNANIMOUSLY.**

3. Visitors

Roger Nemergut and Eric Auer were present. Mr. Nemergut noted this was an informal discussion regarding Mr. Auer's property at 11 Burr Hill Road which is 9.2 acres with an existing house. Mr. Auer would like to split a single lot off the parcel. They have looked at both the Zoning and the Subdivision Regulations. Mr. Nemergut explained that a loop lane would allow enough frontage to get the two lots and is within the regulations. No waivers would be required. Mr. Nemergut reviewed the turnaround requirements. He noted there is existing two gravel drives with a nice wooded area in the middle which Mr. Auer has managed over the years. They would like to alter the turnaround in order to preserve the wooded area. Mr. Nemergut noted last summer he spoke to Ms. Jefferson and Mr. Dillon (Town Engineer) and asked Mr. Dillon if he would support such an idea in principal. Mr. Dillon noted at that time it was worthy of consideration, but he has not seen the plan. Mr. Nemergut felt if the plan were now presented to Mr. Dillon, he would give a favorable response. Nemergut asked the Commission if it had enough flexibility to allow a turnaround that was not a circle or hammerhead. This will be a private road. Mr. Adametz noted this is not an issue for public works as it is a private road. Chairman Lentz asked Commission members if there was any objection. Members felt this was aesthetically more pleasing of a design and had no objection. Paul McGuinness asked if anything was near the wetlands. Mr. Nemergut replied no.

4. Communications and Bills

(1) Items pertaining to public hearing for proposed amendments to Zoning and Subdivision Regulations -

(a) Letter from Lower Connecticut River Valley Council of Governments, dated May 20, 2013.

(b) Letter from Connecticut Water Company dated May 15, 2013.

(c) Letter from South Central Connecticut Regional Water Authority dated May 2, 2013.

(d) Copy of email from Joan Nichols to Walter Adametz dated April 1, 2013.

(e) Letter from Michael and Laurel Poletti dated May 21, 2013.

(2) Letter from Richard E. Leighton, Code Official, to RRSA Re Re-Roof Installation, 32 Cow Pen Hill Road, Notice of Failed Installation Inspection.

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(3) Affidavit of Publication, Notice of Public Hearing for May 21, 2013, for Proposed Amendments to Zoning and Subdivision Regulations.

(4) Letter from Cathie S. Jefferson, ZEO, to Papoosha Real Estate Investors LLC dated 5/14/13 Re Cease & Desist Order.

(5) Letter from Attorney William Howard, Howard and McMillan to Charles Edwards dated May 17, 2013 Re 202 Old Deep River Turnpike, Zoning Violation.

(6) Original letter from Jacobson & Associates to Planning & Zoning Commission dated May 7, 2013 Re Sheldon Park Improvements.

(7) Affidavit of Publication, Notice of Decision from April 2, 2013, RSD17, Special Exception #282.

5. Old Business

(a) Proposed Amendments to the Killingworth Zoning & Subdivision Regulations as follows -

Adopt Zoning Regulations, Sections 500-4 Definitions and Word Usage (Agriculture and Farming, Farm, Horse Stable, Boarding, Stable – see Horse Stable); 500-43B. Special Principal Uses (14) Ag-tivities/Agritourism; Article IX Accessory Apartments, Sections 500-58 Definitions (Accessory Apartment, Accessory Caretaker Apartment), 500-59 Purposes and Intent, 500-60 Approval Process, 500-61 Standards; 500-69 Uses Permitted and 500-104 Commercial District.

Amend Zoning Regulations, Sections 500-4 Definitions and Word Usage (Horse Stable, Personal and Horse Stable, Commercial); 500-43 Uses Permitted; 500-69 Uses Permitted; 500-73 Uses Permitted; 500-74 Conditions for Principal Uses; 500-104 Commercial District; 500-105 Industrial District.

Repeal Zoning Regulations 500-4 Definitions and Word Usage (Boardinghouse and Horse Stable, Noncommercial); 500-43B.(11) Boardinghouses; Article IX Accessory Apartments (500-58 – 500-61).

Amend Subdivision Regulations, Sections 485-26 Performance and Maintenance Bonds, map endorsement; 485-30 Condition Precedent to Release of Bond.

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Chairman Lentz noted a public hearing had been held immediately prior to this meeting. He noted there was some concern with an agriculture accessory use becoming a principal use. It was also suggested there be reference in the new regulation to Connecticut General Statute Section 1-1q, Definition of Agricultural. Lentz also noted there were favorable comments on the accessory apartments.

Geoff Cook noted he was unclear in the accessory apartments regulation as to what the difference was between 5 or more buildable acres vs. caretakers 20 or more acres. It was noted the 20 acres must be new construction.

Chairman Lentz noted Laurel Poletti had a concern about the number of events. The number of events was limited to 12, but if one could demonstrate they were doing a nice job, it could be increased. Ms. Poletti felt this was misleading people into thinking that number could be expanded. Chairman Lentz felt that Ms. Poletti might not realize the Commission looks at each and every one of these applications.

There was discussion regarding the permitted number of events. Chairman Lentz noted he could see reducing that number from 12 to 8 and that this applies only to things that are not agriculturally related. He also noted the Commission has the discretion to modify any application. The definition of incidental was reviewed. David Gross noted he would lean towards being more restrictive than leaving the door wide open. It was suggested maybe the permits should be for one year and then renewable. Cathie Jefferson noted the Commission would have to have a real good reason for not renewing a permit. Warnings and violations would have to be appropriately documented, etc. Paul McGuinness asked how the Commission would document the 12 events per year. C. Jefferson noted they would have to submit a schedule at the beginning of every year. Chairman Lentz suggested reducing the number of non-agricultural events down to 6 per year.

It was noted retail sales are for the people coming in to the Farm for education activities and buying something at an agricultural event specifically to the use granted. Retail sales are not for the general public to stop by and buy something.

Jeff Reisman asked how "pick your own" would play into this. It was noted that is allowed under agricultural.

Geoff Cook asked if this would allow for a small store. C. Jefferson replied no, it is not in the

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regulations and therefore not permitted.

Hours of operation were reviewed. Chairman Lentz noted the hours of closure at 6 PM on week days and 10 PM on week ends applies to all activities.

Paul McGuinness noted there was a concern in the Connecticut Water Company letter about manure runoff into wetlands. It was noted animals are allowed to go into the wetlands, but the manure piles must be kept out of the wetlands.

**Motion by Morgan, second by Cook, to approve proposed Zoning and Subdivision Regulations with minor modifications (limit the non-agricultural events to six (6) and include the reference to Connecticut State Statute Section 1-1q, Definition of Agricultural). PASSED UNANIMOUSLY.**

**Motion by Gross, second by Morgan, to set effective date for approved Zoning and Subdivision Regulations of June 14, 2013. PASSED UNANIMOUSLY.**

Chairman Lentz thanked Laurel Poletti for her concern and comments and assured her the Commission would watch this carefully.

6. Zoning Enforcement Officer's Report

C. Jefferson noted at the last meeting she reported the neighbors at 202 Old Deep River Turnpike were complaining again so Attorney Howard has sent out the appropriate letter advising the property owner to come into compliance by June 6th or this matter will be turned over to the Superior Court.

C. Jefferson reviewed the Cease & Desist Order to Scott Papoosha. She noted she spoke to Mr. Papoosha and he is intending to come within the thirty (30) day period with a new site plan. It was made clear to Mr. Papoosha that if what he wants to do is different than the original site plan, he has to come back for a modification. Chairman Lentz noted processing of material will not be approved. Geoff Cook asked if complaints have been received from anyone. C. Jefferson noted she has gotten complaints from people on Patrick Drive.

C. Jefferson noted the owner of the potential Parker Hill Road Ext. Subdivision has gone back to the drawing board and will be submitting a plan for a conventional subdivision.

7. New Business – none.

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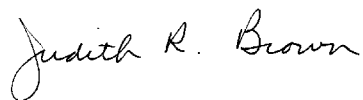
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8. Report of Officers and Subcommittees – none.

9. Adjournment

There being no further business, the meeting adjourned at 8:35 PM.

Respectfully submitted,



Judith R. Brown, Recording Secretary

cc:	Town Clerk	Conservation Commission
	Board of Selectmen	Inland Wetlands & Watercourses Commission
	Commission Members	Public Works
	C. Jefferson	William Howard, Esq., Commission Attorney
	R. Leighton	Joseph Dillon, Town Engineer