

Minutes of Regular Meeting No. 1056 of the Killingworth Planning & Zoning Commission held Tuesday, August 20, 2013, at the Killingworth Town Office Building, 323 Route 81, Killingworth, Connecticut

Page 1 of 3

Present - T. Lentz, Chairman
J. O'Brien
S. Morgan
D. Gross
R. Naiman (seated for G. Cook)

C. Jefferson, ZEO

1. Call to Order

Chairman Lentz called the meeting to order at 7:00 PM.

2. Minutes of Regular Meeting No. 1055 Held August 6, 2013 and Special Meeting of August 6, 2013

Motion by O'Brien, second by Lentz, to approve August 6, 2013 Special Meeting Minutes as written. PASSED UNANIMOUSLY.

Motion by O'Brien, second by Lentz, to approve August 6, 2013 Regular Meeting Minutes as written. PASSED UNANIMOUSLY.

3. Visitors – none.

4. Communications and Bills

(1) Invoice from Howard and McMillan dated 8/8/13 in the amount of \$1,844.11 for legal services regarding Edwards Case.

(2) Town of Clinton Planning & Zoning Commission Petition to Amend Zoning Regulations and Zone Map (Amendment to Section 15.1-Village Zone Statement of Purpose-and change of zoning designation for several properties), Public Hearing to be Held September 4, 2013 at 7:00 PM in the Green Room of Andrews Memorial Town Hall.

5. Old Business – none.

6. Zoning Enforcement Officer's Report

C. Jefferson gave a status update regarding the Edwards litigation.

C. Jefferson submitted documentation to Attorney William Howard regarding the issue of commercial vehicle storage on Spencer Hill Road.

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Page 2 of 3

C. Jefferson noted she has not heard anything from Scott Papoosha. Sue Morgan noted the piles of wood chips have grown considerably. Jefferson noted she will follow up with Mr. Papoosha.

C. Jefferson noted the tree trimmers have asked to keep their trucks temporarily at the old True Value Store. She gave a verbal okay to do so. CL&P has targeted this area for tree trimming. They have several crews in town and are scheduled to be in town for a couple of months.

C. Jefferson noted it is very quiet this month.

7. New Business – none.

8. Report of Officers and Subcommittees

Chairman Lentz noted at the last meeting there was discussion regarding the assessment of fines. C. Jefferson did some research on this in the Connecticut State Statutes and obtained sample regulations from other Towns. Lentz read from Statute Section 8-12 which allows for a Cease & Desist Order and if no compliance, then going to Superior Court. He also referenced Section 8-12a which enables a municipality, as an alternative, to issue citations with fines. The violator however can appeal the citation and fines. There is then a hearing before a Hearing Officer(s) appointed by the Board of Selectmen to hear the case. The Hearing Officer then determines whether the fines should be assessed or the case dismissed. The process under Section 8-12a must be done under Town Ordinance which would have to be approved by Town Meeting. Chairman Lentz noted the Commission discussed this topic back in 2009 and decided not to pursue it because it would take it out of the hands of Planning & Zoning and/or Zoning Board of Appeals. Currently the Planning & Zoning Commission decides whether or not to take something to Court and if there is an Ordinance, the Commission would relinquish that authority. There was much discussion regarding this topic. The ZEO also had a concern as to how one would verify there is a daily violation (hence, daily fine). Someone would have to visit the property every day. C. Jefferson noted there are only a hand full of towns in the State that have gone with this procedure.

Chairman Lentz noted there are areas in the Regulations that need section numbers changed (specifically when another section is referenced, some numbers have changed due to amendments, etc.). At some point we should try to catch all of these and eventually go through the regulation change procedure, hold a public hearing and correct these numbers.

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Killingworth, Connecticut
Page 3 of 3**

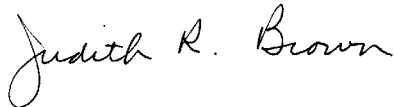
He also noted the official regulations are the ones on the General Code website.

Jim O'Brien, RiverCog representative, noted their monthly meeting is next Monday and the Petition to Amend the Regulations and Zone Map for the Town of Clinton is on the Agenda.

9. Adjournment

There being no further business, the meeting adjourn at 7:34 PM.

Respectfully submitted,



Judith R. Brown, Recording Secretary

cc: Town Clerk
Commission Members
Board of Selectmen
C. Jefferson
R. Leighton
Conservation Commission

Inland Wetlands & Watercourses Comm.
Public Works Department
William Howard, Town Attorney
Joseph Dillon, Town Engineer