

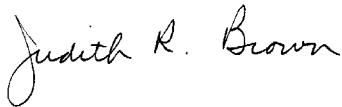
**Town of Killingworth
Zoning Board of Appeals
323 Route 81
Killingworth, Connecticut 06419**

Zoning Board of Appeals
Notice of Vote
March 25, 2013

Members Present – Dodson, Martens, Young, Williams, Lehane.

Motion by Young, second by Williams, to continue the KVFC public hearing until April 22, 2013.
Voting in favor – Young, Williams, Martens, Lehane, Dodson. Opposed – none. Motion Carried.

Respectfully submitted,

A handwritten signature in cursive script that reads "Judith R. Brown". The signature is written in black ink and is positioned below the text "Respectfully submitted,".

Judith R. Brown, Recording Secretary

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1. Call to Order and Seating of Members

The Killingworth Zoning Board of Appeals held its regular meeting on Monday, March 25, 2013, at the Killingworth Town Office Building, 323 Route 81, Killingworth, Connecticut. In attendance were Bruce Dodson, Charles Martens, Brian Young, Mark Williams and James Lehane. Chairman Dodson called the meeting to order at 7:05 PM.

2. Public Hearing and Consideration of Application

Town of Killingworth, owner, and Killingworth Volunteer Fire Company, applicant, seeking a variance of Killingworth Zoning Regulations, Section 500-44.D.(8), Maximum Building Height, to construct fire training tower, having to do with property located at 323 Route 81, Killingworth, Connecticut (Map 24, Parcel 07).

Recording Secretary Brown read the Legal Notice of Public Hearing into the record, said notice having been published in The Hartford Courant on March 12 and 19, 2013.

Chairman Dodson noted the Certificates of Mailing to neighbors within 500 feet have been submitted, as was the notification to the Connecticut Water Company as this is in the watershed. He also noted there was a request to waive the application fee, but as the fee goes toward posting, notifications, State of Connecticut fee, etc. the fee was not waived.

Chairman Dodson briefly explained the Public Hearing procedures. The applicant will present the application. The public will be given a chance to speak either in favor or in opposition to the application. The public will be given a chance to ask questions. Commission members will be allowed to ask questions of the applicant during the presentation process.

Chairman Dodson reminded everyone this meeting was about the request for a height variance of the building from 35 feet to 41 feet and that is the only thing this Board will make a decision on. He stated the ZBA's authority is very limited. He noted there may be other comments, but he urged the public to keep them to a minimum.

Roger Nemergut, representative for the KVFC introduced himself. He noted this variance relates to building height which is 35 feet in the residential zone. The proposed structure is 41 feet which is 6 feet higher. He noted this is a town owned parcel (45 acres) on Route 81. He pointed out the Killingworth Garage, Library, Fire House, Ambulance, Town Office Building, Public Works Garage, Salt Storage Building and new proposed structure. It is centralized on the parcel.

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Mr. Nemergut noted it is a 20 foot square 41 foot high building made out of cinder block. Its purpose is to allow the fire department to train for structure fires that are 4 story buildings. Attached to this would be a single story training center 24' x 50'. Nemergut noted as part of the application a picture was submitted of what this would look like. The picture is the structure that is currently in Middletown.

Mr. Nemergut explained this would be about 900 feet back from Route 81 (westerly). Those North side is Wolf Hollow Estates and those property lines would be about 400 feet (nearest one). On the South side the adjoining property line would be about 500 feet. He noted the existing grade at Route 81 is at elevation 466. The existing grade at the tower location is 434 so if standing on Route 81 looking at the structure one would see the top 9 feet. The grades of the nearest property on Wolf Hollow is 430. If there was no vegetation, they would see the total structure. The property is lighted wooded with deciduous trees.

Mr. Nemergut reviewed what would be seen from both Wolf Hollow Estates and Route 81. Photos Exhibit A was the salt shed. Exhibit B was 3 photos taped together showing the salt shed and adjoining areas.

Mr. Nemergut noted a notice of public hearing was sent out to all neighbors within 500 feet. Included with this notice was a detailed letter from the Fire Chief as to how this would operate. He explained there would be about a 50 foot clearing around the building for equipment and trucks.

Mr. Nemergut explained they went to Planning & Zoning several times to discuss this preliminarily and the location was moved a few times. The current location is a result of informal meetings with Planning & Zoning. There was a consensus they would not oppose any request for variance. He noted there will not be any water or bathroom facilities, but there will be power.

Brian Young asked how the structure would be accessed. Mr. Nemergut noted the driveway going by the Public Works garage and salt shed would most likely be extended about 300 to 400 feet. A wetlands crossing would not be necessary and no health department approval is required.

Mr. Nemergut noted both Dick Bauer and Bill Wright from the Fire Department were present and would explain how this would operate and what would be done.

Chairman Dodson noted it was his understanding this was approved by the Board of

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Selectmen. Mr. Nemergut noted the Town is the owner of the property and has signed the application. Discussions have been held with the Public Works Department and Planning & Zoning. Walter Adametz agreed this would not interfere with any future public works activities.

Charlie Martens asked if the setback from Wolf Hollow would be 400 feet. Nemergut noted it was about 350. He asked if this would be a town improvement with Planning & Zoning. Nemergut replied this would be a municipal improvement. The steps to achieve this are a variance and then P&Z with a municipal improvement application at which point a more detailed site plan would have to be submitted. He indicated Special Exceptions are an automatic public hearing, but with a municipal improvement there is no technical requirement for a public hearing. P&Z does have the option to call a public hearing if they feel there is potential impact. If P&Z approves this, it then goes for a building permit.

Bill Wright from the Fire Department explained why the building needs to be 41 feet high. He said the buildings in town are now pushing that height – Pharmedica building, the new Middle School. This gives them a 33 foot reach to those windows that they practice on. With the extra 6 feet, they would be training to their maximum capability. Three stories are very common in town. Mr. Wright noted they are not allowed to light a class A fire to train in that building. Those buildings are provided by the State. Most of the smoke is theatrical smoke which is a breathable smoke which dissipates very quickly. There will be no live burn. The fire department trains on Monday evenings starting at 7:30 and back to the fire house at 9:30 usually. It is tough on the firefighters to have to go to Middletown to train because it adds just that much more time and they don't get home until 11:00 PM or so.

The question was asked as to why Killingworth is the only town out of 16 other towns that go to Middletown that is doing this. Mr. Wright noted there are other towns doing the same thing. The structure in Middletown is coming down, but being replaced. He indicated all live training is done at the State buildings usually twice a year. Mr. Wright noted they would not be there every Monday, most training is done right at the fire house.

Noise was reviewed. Mr. Wright noted the noise will only be the firefighters and the equipment they use. No bullhorns, etc. The question was asked if there was no other non-residential area where this building could be placed. The response was no. No horns would be used on a regular basis. There would be noise from chain saws, etc.

There was discussion regarding what noise would be heard when there is a "man down within a building." The horn is blown to alert everyone. Dick Bauer noted they would be

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sensitive to that and only do that probably on a Saturday morning or afternoon and not in the evening. They would not be insensitive to the neighborhood and children sleeping, etc.

There was much discussion as to how long training has been going on in Middletown and what has changed that Killingworth has to be spend \$225,000 to build this structure. Chief Bauer noted this would allow the volunteers to stay in town. They all work full time jobs during the day, or nights, or third shift and this is a burden for them.

The question was asked if any of these other 16 towns would use this facility. Chief Bauer noted that was entirely up to the fire department. It was noted these surrounding towns often come to Killingworth as mutual aid in fighting fires so they want to be able to train with them. They would not be opening up a regional training facility. It was noted Essex is looking into building one of these and both Old Saybrook and Westbrook have one.

A resident noted he thought the letter from Chief Bauer was misleading as it was not mentioned the Middletown facility was going to be rebuilt. He indicated both Clinton and Madison both have 4 story buildings and don't have a training tower.

Another resident noted driving down Route 81 has the look of a small town and it was her concern if there is this high rise building in the back, that's not what Killingworth is all about. People move to Killingworth for the ruralness. She felt that would be a very bad image and would deteriorate from the entire town.

Roger Nemergut clarified that only the top 9 feet of the building would be seen from Route 81. The other point he made was that the structure is 20' x 20' which is a little bigger than this room.

Chief Bauer noted they are trying to be very transparent about this project. He apologized if people thought the letter was misleading. He noted they are building another facility but it is on the other side of Middletown almost in Cromwell so the volunteers have to go that much further. He noted he understands the residents concerns and did not mean to be deceptive.

There was a brief discussion about moving the transfer station back there several years ago and that didn't happen because of soil contamination. Roger Nemergut noted he really didn't have any knowledge about that. Chairman Dodson noted the concern was more of dealing with contamination at the site of the existing transfer station, not to where it was going to be relocated.

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There was a brief discussion regarding a letter having been sent out back in November. Mr. Nemergut noted there was no requirement for certified mail. It was a volunteer attempt to notify the closest 5 or 6 neighbors while preliminary discussions were being held with Planning & Zoning. The only requirement is the one notifying the neighbors within 500 feet of a public hearing to be held by the Zoning Board of Appeals.

Chairman Dodson asked Mr. Nemergut if he thought they could get approval for a 35 foot high building. Mr. Nemergut noted if it was 35 feet high, they would go directly to Planning & Zoning which would trigger input from the neighbors. Planning & Zoning has a lot more range and looks at all aspects of the project. Conditions could be attached to their approval. In other words, a condition could be added that no other fire department outside of Killingworth could use this if they wanted to. They could limit hours of operation and/or days. Planning & Zoning is a much more intense review. Chairman Dodson agreed those are all questions for Planning & Zoning and not the Zoning Board of Appeals.

Mr. Nemergut reiterated there is no technical requirement that Zoning hold a public hearing for a municipal improvement. He suggested residents contact the Zoning Officer and ask to be alerted when an application comes in.

Chairman Dodson noted the Planning & Zoning Commission is very interested in receiving public input. They will listen. The public has access to every meeting of Planning & Zoning. Agendas are also posted in the Town Clerks Office and are on line.

Chairman Dodson noted he would like to continue this hearing to the April meeting and in the meantime perhaps something could be arranged that is 41 feet in the air to show how high this structure would be. Maybe a bucket truck could be put there with a flag or balloon or something. Saturday, April 13th, was chosen as the date.

Chairman Dodson once again explained if the height variance is approved by the ZBA, then this goes back to Planning & Zoning for a more thorough review. Mr. Nemergut clarified there has been no formal application yet before Planning & Zoning, that has only been informal discussion. He urged residents to talk to the Zoning Officer to understand the process.

A resident noted there is a line item in the budget already for this project and this has to be voted on before the details are ironed out. So does this go forward on the town budget without knowing all the ducks are in a row. This is putting the cart before the horse.

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Chairman Dodson noted there are a number of things that get put in the budget that haven't been already approved but to have the funds available if approvals happen. Mr. Nemergut reviewed what type of plans would be needed for submittal to Planning & Zoning and then the Building Department.

A resident noted at the end of the day he felt the height and the cost of this building could not be justified. He felt there shouldn't even be this meeting, this is out of control. He didn't understand why a 41 foot tower was required for a department of 61 volunteers where maybe 10 or 15 will be training at one time. He felt they should continue going to Middletown. Chief Bauer reviewed the budgeted amounts. He also noted God forbid if someone gets hurt because they haven't had enough training. He noted they live in town too and they have done their best to make it pleasantly aesthetic.

Injuries occurring while using the training facilities, either State or town owned, was reviewed. Chief Bauer noted Workers' Compensation for the firefighter would pick up the claim.

The question was asked if the fire department would go forward with a 35 foot building. Chief Bauer noted they would have to reassess the whole project at that point.

A resident asked why Planning & Zoning asked the location to be moved back. Roger Nemergut noted it was the visual effect and high visibility from Route 81.

Mr. Nemergut reviewed the location of the building again.

Chairman Dodson reiterated Saturday, April 13th at 10:00 AM, would be the day and time when a bucket truck with a flag or something similar would be put up. He also noted this would be continued until the next ZBA meeting on April 22, 2013. Chairman Dodson reiterated the purpose of April 13th is to look at this from Route 81 and Wolf Hollow.

Mr. Nemergut suggested everyone meet at the fire house. Chairman Dodson noted the public is not supposed to be wandering around the Public Works Garage as there is a lot of stuff that one could trip over. The intent is to look at this from Route 81 and Wolf Hollow or from one's backyard. It isn't necessarily to go to the site and he would discourage people from doing that unless accompanied by someone authorized to be there.

Motion by Young, second by Williams, to continue the KVFC public hearing until April 22, 2013. Voting in favor – Young, Williams, Martens, Lehane, Dodson. Opposed – none.

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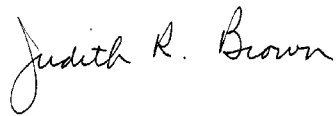
Motion Carried.

3. Any Other Business – none.

4. Adjournment

There being no further business, the meeting was adjourned at 8:00 PM.

Respectfully submitted,

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Judith R. Brown, Recording Secretary