

**Town of Killingworth
Planning & Zoning Commission
323 Route 81
Killingworth, Connecticut 06419**

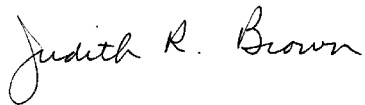
Planning & Zoning Commission
Notice of Vote
January 21, 2014

Members Present – Lentz, O'Brien, Gross, McGuinness (seated for Morgan) and Gay (seated for Warren).

Motion by Gross, second by O'Brien, to approve January 7, 2014 Minutes as written. PASSED UNANIMOUSLY.

Motion by O'Brien, second by Gay, to approve Special Exception #284 Hammonasset Realty with conditions. PASSED UNANIMOUSLY.

Respectfully submitted,

A handwritten signature in cursive script that reads "Judith R. Brown".

Judith R. Brown, Recording Secretary

Town of Killingworth
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Legal Notice of Decision
Town of Killingworth
Planning & Zoning Commission

The Killingworth Planning & Zoning Commission at its meeting of Tuesday, January 21, 2014, took the following action:

Approved, with conditions, Special Exception #284, submitted by Hammonasset Realty LLC for Special Principal Use, Commercial District for Restaurant on property located at 163 Route 81, Killingworth, Tax Map 33, Parcel 69A and 9B, Commercial District.

Thomas Lentz, Chairman

Dated at Killingworth, Connecticut this 28th day of January 2014.

It is noted for the record a public hearing was held prior to the regular meeting for Special Exception #284, Hammonasset Realty, 163 Route 81 for Restaurant. The hearing commenced at 7:00 PM and concluded at 7:34 PM. Commission members in attendance for the hearing were Chairman Lentz, Jim O'Brien, David Gross, Paul McGuinness (seated for Morgan) and Joan Gay (seated for Warren).

Present - T. Lentz, Chairman
J. O'Brien
D. Gross
P. McGuinness (seated for S. Morgan)
J. Gay (seated for S. Warren)

1. Call to Order

Chairman Lentz called the meeting to order at 7:35 PM immediately following a public hearing for Special Exception #284, Hammonasset Realty.

2. Minutes of Regular Meeting No. 1064 Held January 7, 2014

Motion by Gross, second by O'Brien, to approve January 7, 2014 Minutes as written. PASSED UNANIMOUSLY.

3. Visitors – none.

4. Communications and Bills

The following correspondence was received during the public hearing for Special Exception #284 noted above -

- (1) Revised 3 sets of plans dated 12/20/2013 with a colored site plan.
- (2) Copy of Legal Notice of Public Hearing.
- (3) Affidavit of Publication for Legal Notice of Public Hearing.
- (4) Memo to Cathie Jefferson, Zoning Enforcement Officer, from Richard E. Leighton, Code Official, dated December 20, 2013, Re Proposed Restaurant, 163 Route 81, Site Plan Review for Fire Protection/Accessibility.
- (5) Memo to Killingworth Planning & Zoning Commission from Maura Esposito, Director of Health, dated December 3, 2013 Re 163 Route 81, Hammonasset Realty LLC.
- (6) Copies of emails between Cathie Jefferson, Chairman Tom Lentz and Bascom & Benjamin.
- (7) Letter from Chris and Jennifer Courtright to Thomas Lentz, Chairman Planning & Zoning Commission dated January 21, 2014.

General correspondence -

- (1) Invoice from Howard McMillan & Tycz, LLC for legal services in the amount of \$163.90 dated 1/9/2014.

5. Old Business

(a) Special Exception #284, Hammonasset Realty, 163 Route 81 – Restaurant
Chairman Lentz noted all the required approvals have been received – Director of Health, Wetlands and Code Official (fire protection and accessibility). Lentz noted a public hearing was held and one resident was present who had questions about adequacy of septic system and the buffer which were addressed. He further noted the Commission could make a condition of approval that the buffer be extended.

Motion by O'Brien, second by Gay, to approve Special Exception #284, Hammonasset Realty for Restaurant with the following conditions -

- 1) That the buffer extension discussed be added to the plans.
- 2) That the following Zoning Enforcement Officer's concerns be addressed as stated in an email from the ZEO to Chairman Lentz dated January 17, 2014 -
 - a) Applicant shall submit interior plans prior to receiving building permits.
 - b) Parking spaces along front of building need wheel stops for pedestrian safety.
 - c) Submit dumpster location and plans. Dumpster should be fully enclosed to prevent animal access and away from residential property lines.

A discussion ensued regarding concerns of the neighbor relative to the septic system. Chairman Lentz noted this Commission listened to concerns of the neighbor during the public hearing, but Planning & Zoning is not an expert on matters relating to health issues. Those issues should be left to the Director of Health. He further noted any neighbor or resident who has concerns regarding the septic system should contact the Director of Health directly. It was reiterated the Director of Health submitted a letter approving the application.

The above motion was amended by both O'Brien and Gay to include the following condition -

- 3) All Health Department conditions raised by the Director of Health in her letter of December 3, 2013 shall be met.

Above motion as amended with the 3rd condition was PASSED UNANIMOUSLY.

6. Zoning Enforcement Officer's Report

Chairman Lentz noted he and Cathie Jefferson met with Scott Papoosha (Running

Brook Farms). It was a good meeting. Everything will be gone by February 15th. They discussed at some length Mr. Papoosha's future plans. These future plans will be discussed at the next meeting. Chairman Lentz felt confident this issue could be dealt with.

7. New Business

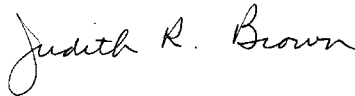
Paul McGuinness noted the last Minutes referenced the Zoning Board of Appeals variance application from M&M Holdings for relief of mixed use and asked if a letter had been sent to the ZBA. C. Jefferson will be reminded to submit the letter to ZBA if not already done.

8. Report of Officers and Subcommittees – none.

9. Adjournment

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

Respectfully submitted,



Judith R. Brown, Recording Secretary

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