

Minutes of Regular Meeting No. 1068 of the Killingworth Planning & Zoning Commission Held Tuesday, March 4, 2014, at the Killingworth Town Office Building, 323 Route 81, Killingworth, Connecticut  
Page 1 of 4

Present: T. Lentz, Chairman C. Jefferson, ZEO  
J. O'Brien  
S. Morgan  
D. Gross  
S. Warren  
P. McGuinness (seated for G. Cook)

1. Call to Order

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

2. Minutes of Regular Meeting No. 1067 Held February 18, 2014

**Motion by O'Brien, second by Gross, to approve February 18, 2014 Minutes as written. PASSED UNANIMOUSLY.**

3. Visitors

(a) Ty Wallace, 77 Burr Hill Road – possible resubdivision

Ty Wallace was present to discuss a possible subdivision of property on Burr Hill Road. He reviewed the site plan showing the existing house and the two lots – one being 6.6 acres and the other being 13 acres. Mr. Wallace reviewed the proposed private road. Paul McGuinness asked if the main reason for the private road was to get frontage for both lots. ZEO Jefferson noted she asked Mr. Wallace to come in for a preliminary discussion to see if the Commission thought a resubdivision would be acceptable. Chairman Lentz noted there's never been a resubdivision on a conservation subdivision before. The original Conservation Subdivision approval was reviewed. Chairman Lentz noted from a zoning standpoint he felt this could be done.

4. Communications and Bills

(1) Letter from Killingworth Land Conservation Trust, Inc. to Planning & Zoning Commission dated February 25, 2014 Re acceptance of Open Space for Overall Subdivision map of 61 River Road.

(2) Letter from Cathie S. Jefferson, ZEO, to Papoosha Real Estate Investors LLC, Running Brook Farms, dated 2/20/14, Re Cease & Desist Order.

(3) CT Federation of Planning & Zoning Agencies Annual Conference notification for March 13, 2014, Speaker – Commissioner William M. Rubenstein, Connecticut Department of Consumer Protection.

(4) Copy of letter from RiverCOG to Haddam Planning & Zoning Commission dated February 27, 2014 Re Various Zoning Regulations including Marijuana Producers.

(5) Petition to Amend the Clinton Zoning Regulations.

(6) Planning & Zoning Budget As Of 3/2/14.

(7) Letter from Cathie S. Jefferson, ZEO, to Christopher Smalley dated 2/28/14 Re Storage of Commercial Vehicles.

(8) Copy of Proposed Wireless Telecommunications Tower Facility on Spencer Hill Road, Killingworth, Connecticut, dated February 28, 2014.

#### 5. Old Business

(a) Subdivision Application #316 – 3 Lot Subdivision, 61 River Road, Map 35, Lot 10

ZEO Jefferson noted the Land Trust sent a letter indicating it would accept the Open Space from this Subdivision. The Sanitarian has reviewed the septic and everything is okay. There were a couple things to be done before she would send her letter. The fire tank location will be shown on the plan at the corner of Paper Mill and River Road. It may move a few feet one way or the other due to the fact the Fire Marshal is currently out of town and cannot be reached. Ms. Jefferson noted all the letters should be in by the next meeting.

Chairman Lentz asked if Commission members wanted to do a site walk. Tentatively a site walk was scheduled for Saturday, March 15th, at 10:00 AM. Ms. Jefferson to notify the applicant of the site walk and that the Land Trust would like a 50' easement over the frontage on the river across all lots.

(b) Running Brook Farms Discussion

C. Jefferson noted a Cease & Desist Order was sent to Mr. Papoosha dated February 20th. He is to 1) remove equipment involved with the processing of materials such as grinders, screeners, etc. from the property, 2) remove all stockpiled materials not contained in concrete bins as shown on the site plan, 3) use the constructed bins at 219 Route 80 for retail sales only. All wholesale materials are to be stored in bins at 212 Route 80, and 4) move equipment associated with the wholesale operation to the 212 Route 80 facility. Mr. Papoosha has 30 days to appeal this Order.

#### 6. Zoning Enforcement Officer's Report

C. Jefferson noted the letter to Christopher Smalley regarding storage of commercial vehicles is a second notice.

C. Jefferson noted Mr. Petrucelli had 60 days which is the end of the month at which time if he doesn't comply, he will be in contempt of Court.

C. Jefferson distributed copies of an article "Accessory Apartments in Ridgefield are

added value" she was given by First Selectwoman Iino. These would all be deed restricted apartments.

Chairman Lentz noted with regard to the possible subdivision on Burr Hill Road discussed earlier in the meeting, the Commission should insist that all 3 lots come off the private road.

7. New Business – none.

8. Report of Officers and Subcommittees

Stephanie Warren further reviewed the letter from RiverCOG having to do with Haddam's changes to their Zoning Regulations relating to Marijuana Producers. She noted Haddam is trying to attract this business. She reviewed lighting, fencing, security, building square footage, etc. She also noted, if passed as written, Haddam would allow this in their residential districts immediately adjacent to Middletown, Durham, Chester and Killingworth. She noted if Haddam approves this type of thing, it will impact the real estate values in Killingworth. Jim O'Brien noted any proposed changes in the Zoning Regulations are reviewed by the Regional Planning Commission for intermunicipal effects. Chairman Lentz noted the Commission has written up a new regulation pertaining to marijuana but hasn't brought it to public hearing yet. Jim O'Brien noted one problem with the Haddam regulation is that it is by site plan review and not Special Exception. The RPC has indicated there would be intermunicipal impacts and, if allowed, it should be by Special Exception only. Jim O'Brien noted Killingworth's request should be there not be any of these facilities within 500' of the town's boundary line.

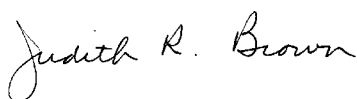
David Gross summarized the new proposed cell tower. It would be 120' tall on the 45 acre Rettich property on Spencer Hill Road between Clinton and Killingworth. There would be no adverse environmental impacts and one can't see the tower from any perspective. C. Jefferson will look into the tower location in Killingworth and report back at the next meeting.

Chairman Lentz referenced the last Board of Selectmen Minutes where it has been suggested a Commercial District Committee be established. Lentz noted there should be a small group to set out goals and objectives and then a larger group to come up with ideas and suggestions.

9. Adjournment

There being no further business, the meeting adjourned at 8:20 PM.

Respectfully submitted,



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Page 4 of 4

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
		Joseph Dillon, Town Engineer