

It is noted for the record the scheduled public hearing was held later on during the meeting.

Present: T. Lentz, Chairman
S. Morgan
D. Gross
G. Cook
S. Warren
P. McGuinness (seated for J. O'Brien)
J. Gay (non-seated alternate)
T. Hogarty (non-seated alternate)

1. Call to Order

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

2. Minutes of Regular Meeting No. 1102 Held September 15, 2015

Motion by Gross, second by Morgan, to approve September 15, 2015 Minutes as written. PASSED UNANIMOUSLY.

3. Visitors

Alec Martin was present.

4. Communications and Bills

(1) Email from Cindy Gaudino, CT Water Company, dated October 1, 2015, Re Change to Zoning Regulations, indicating she had no comments.

(2) Affidavit of Publication for Notice of Public Hearing for proposed Amendment to Zoning Regulations submitted by Eugene Gargiulo M & M Realty Holdings Co.

(3) Letter from Cathie Jefferson, ZEO, to Kevin Hill dated 10/6/15 Re Home Business.

(4) Application #305, Stephan Ariyan for Boarding Stable.

(5) Planning & Zoning Commission Budget As of 10/1/15.

Motion by Gross, second by Morgan, to move New Business up to Item #5. PASSED UNANIMOUSLY.

7. New Business

(a) #305 Principle Use, Site Plan approval for Boarding Stable under Section 500-43A.2(1), 52 Tower Hill Road, Stephan Ariyan owner

Stephan Ariyan introduced himself noting they purchased their horse property about 6 months ago. It has a 4 stall horse barn on it. They have a 4 year old daughter who wants to learn

about raising horses and one way is to board horses ahead of time.

The application states this meets Section 50043A.2.(1) of the Killingworth Zoning Regulations. Its 23.38 acres with 9.54 acres of buildable area. Has a 4 stall horse barn with 4 paddocks, riding ring and perimeter fencing. The intent is to board up to 4 horses while learning from the owners of these horses.

Mr. Ariyan reviewed the site plan, including parking, existing barn, wetlands on the property. He indicated all of this existed prior to them purchasing the property. There is a riding ring and its all fenced in. They will not be doing anything new, just asking for permission to board 2-4 horses and at some point they would get their own horses.

Chairman Lentz asked if the barn was 50 feet from any property line. Mr. Ariyan replied yes. He also reviewed the location of manure piles which were shown on the site plan where the prior owners had them located.

Mr. Ariyan reiterated they were not doing any additional improvements to the property, just seeking to board horses. Fencing and parking were addressed.

Chairman Lentz noted he didn't see any problem with this as it met the regulations.

Motion by Morgan, second by Warren, to approve #305 Principle Use, Site Plan approval for Boarding Stable under Section 500-43A.2(1), 52 Tower Hill Road, Stephan Ariyan, owner, as presented. PASSED UNANIMOUSLY.

6. Zoning Enforcement Officer's Report
(1) Permit Log for September 2015 was distributed.

9. Executive Session – Pending Litigation – nothing further at this time.

It is noted for the record a public hearing was held at this time for Application #304 Amendment to Zoning Regulation Article XII, 500-69B(10) Mixed Uses in Large Commercial District, submitted by Eugene Gargiulo, 104 Commerce Circle, Durham, CT 06422. The hearing commenced at 7:18 PM and was closed at 7:50 PM.

5. Old Business
(a) #304 Amendment to Zoning Regulation Article XII, 500-69B(10) Mixed Uses in Large Commercial District, submitted by Eugene Gargiulo, 104 Commerce Circle Durham, CT 06422

Motion by Gross, second by Morgan, to approve #304 Amendment to Zoning Regulation Article XII, 500-69B(10)(i) Mixed Uses in Large Commercial District, submitted by Eugene Gargiulo, 104 Commerce Circle, Durham, CT 06422 as presented.

Discussion followed. Chairman Lentz noted this regulation would transfer 50% of the residential space from one building to the other building making that one building 100% residential. David Gross noted when this regulation was first passed, it was what the applicant requested and was in keeping with the town character making it a more community based town center. He further noted the town has formed a committee to discuss the downtown Killingworth center and asked if they should have been given the opportunity to submit their input. Geoff Cook noted it was his understanding from the Selectmen the committee's discussion was going to be more south of the circle. The circle doesn't lend itself to strolling around. It's a State Highway and the town has less control in that area. There was discussion about passing this for an individual or is it good for the town. Cook noted there is demand for additional residential units. It goes further than helping out an individual and offers opportunity to satisfy a need for others, rental units. Cook further noted he would rather have the building occupied than not occupied. There is a demand for residential upper scale apartment housing. Sue Morgan noted the biggest concern last time was we didn't want apartment buildings popping up all over the place. This is an existing building. Chairman Lentz noted if this is approved, it is approving an apartment building and there isn't really any provision for apartment buildings in the Plan of Conservation & Development. This would allow apartments in the upper floor of the first building. We allow accessory apartments and caretaker apartments in the Commercial District. The idea was for it to be mixed residential/commercial. Lentz further noted the second point is this doesn't just apply to this building, but to the entire large business district which occupies all four corners around the traffic circle. Under this regulation, there is the potential for at least four apartment buildings in the large business district. The district was not intended for this purpose. Sue Morgan noted True Value could build another building and have all residential because they already have another building 100% commercial. There should probably be a date on the existing building. David Gross again asked if this was a bailout for an individual or a benefit to the town. Cook asked how many more apartments could be put in the building. The reply was 10 units. It was noted in the original regulation there were a lot of people opposed to apartments in Killingworth. Chairman Lentz noted it has worked out. The apartments are rented and people seem to be happy. There have been no complaints from townspeople. Cook asked why this has to be a regulation change as opposed to a Special Exception. Chairman Lentz explained there has to be a regulation that permits a Special Exception. A Special Exception can't be approved unless there is regulation for it.

Vote on the above motion: Voting in favor – none. Voting Opposed – Gross, Morgan, McGuinness, Lentz. Abstained – Warren, Cook. Motion Denied.

It was agreed this discussion should be relayed to First Selectwoman lino and that it would be nice to get the committee going that could offer input. Jim O'Brien had previously said the committee talked about signage, etc. but no overall scheme.

8. Report of Officers and Subcommittees

