

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

Planning & Zoning Commission
Notice of Vote
November 17, 2015

Members Present – Lentz, Gross, Warren, Hogarty, Martin (seated for Cook) and Gay (seated for McGuinness).

Motion by Gross, second by Warren, to approve October 20, 2015 Minutes as written. PASSED UNANIMOUSLY.

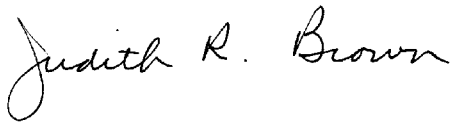
Motion by Gross, second by Gay, to approve Waiver of Section 485-56.2D.(5) of Subdivision Regulations for Old Coach Road Subdivision, 140 Roast Meat Hill Road. PASSED UNANIMOUSLY.

Motion by Warren, second by Hogarty, to approve Waiver of Section 485-49B.4 of Subdivision Regulations for Old Coach Road Subdivision, 140 Roast Meat Hill Road. PASSED UNANIMOUSLY.

Motion by Gross, second by Gay, to approve Special Exception Amendment #306 – expand existing approval for LaForesta parking 20'as presented. PASSED UNANIMOUSLY.

Motion by Gross, second by Warren, to go into Executive Session at 8:40 PM for the purpose of discussing Pending Litigation. PASSED UNANIMOUSLY. The Commission came out of Executive Session at 8:45 PM.

Respectfully submitted,



Judith R. Brown, Recording Secretary

Minutes of Regular Meeting No. 1105 of the Killingworth Planning & Zoning Commission Held Tuesday, November 17, 2015, at the Killingworth Town Office Building, 323 Route 81, Killingworth, Connecticut
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Present: T. Lentz, Chairman C. Jefferson, ZEO
D. Gross
S. Warren
T. Hogarty
A. Martin (seated for Cook)
J. Gay (seated for McGuinness)

1. Call to Order

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

2. Minutes of Regular Meeting No. 1104 Held October 20, 2015

Motion by Gross, second by Warren, to approve October 20, 2015 Minutes as written. PASSED UNANIMOUSLY.

3. Visitors

4. Communications and Bills

(1) Letter from Charles Morgan to Killingworth Planning & Zoning Commission dated November 17, 2015 Re proposed Old Coach Subdivision.

(2) Zoning Board of Appeals Variance Application for Deborah Bodner, 134 Green Hill Road, for variance of front setback.

(3) Copy of Inland Wetlands and Watercourses Commission Minutes from November 10, 2015.

(4) #306, Application for Modification of Special Exception for 163 Route 81, LaForesta Restaurant, to widen parking lot.

(5) Letter to Thomas A. Stevens & Associates, Inc. from Jim McDonald, Fire Marshal, dated November 12, 2015, Re Old Coach Subdivision.

(6) Letter to Planning & Zoning Commission from Paul Hutcheon, Director of Health, dated November 17, 2015 Re Old Coach Subdivision.

(7) Notification to submit budget for next fiscal year.

(8) Letter from Connecticut D.O.T. to Charles Mandel, dated October 21, 2015, Re Old Coach Road Subdivision.

(9) Letter from Cathie S. Jefferson to Scott Hogan, dated 10/29/15 Re Home Business and

Unregistered Motor Vehicles.

(10) Copy of Commission Budget As of 11/2/15.

(11) Memo from Inland Wetlands and Watercourses Commission dated November 11, 2015 Re Old Coach Subdivision, Lots 7, 8, 9 and 11.

(12) Green Card Certified Receipt, Eugene Gargiulo.

5. Old Business

(a) Subdivision Application #318 "Old Coach Road", 13 Lot Subdivision on land of Karen & Michael Milano, 140 Roast Meat Hill Road

Alec Martin noted he would recuse himself from this application as his property abuts the subject property.

Mike Milano noted he wished to clarify a couple things from the recent site walk. He noted members walked the proposed road and climbed up to Lots 7 and 8 and the top of the driveway. There were trees down and it was a wooded area. He noted he is not in the business of aggravating everybody. He has 80 acres and has restored the old 1830's house. He has rebuilt the walls and has a lot of pride in that property. He also noted Chip Morgan bought the front of the Nash property and he bought the back of it. His intention is to refurbish the fields to farm hay. In the process he came to ZEO Jefferson and asked if he could cut trees without coming to the Town for a permit. Jefferson replied yes if it's not within 100 feet of wetlands.

Milano noted business is slow and he was trying to keep the guys busy by restoring the fields. He didn't want anyone to feel he was taking advantage. There was brief discussion about covering the wood bridge over the driveway, but it was not feasible and unaffordable.

There was a brief discussion about the two driveways that come together and then separate. A waiver is being asked of the driveways. Milano noted the ZEO brought it to his attention that a waiver could be requested to bring the 2 driveways together as 1. That was then shown on the map. There had been some conversation about looking at an alternative of having 3 driveways, but it was his feeling having 3 different property owners would be too problematic. Chairman Lentz noted that is why the Commission doesn't allow shared driveways except in this instance of wetlands crossings.

Chairman Lentz noted with regard to the cutting of the trees, one can cut all the trees with no problem. If it is a Subdivision, there is a requirement for a Tree Preservation Plan. The clearing of that field was done before the subdivision without a Preservation Plan. Lentz asked Mr. Milano if he could do some compensatory planting in certain areas. It was noted

the remaining trees and wooded area has been located on the map. Chairman Lentz noted if any more trees are to be removed, that would require a Tree Preservation Plan. Mr. Milano noted he plans on the fields being pastures.

Tom Stevens, Professional Engineer and Land Surveyor, noted he submitted a revised plan for the record. This was 86.1 acres in a Rural Residential Zone located on the eastern side of Route 81, 3000 feet south of Stevens Road.

Mr. Stevens noted they have replied to the State D.O.T. comments, but have not heard back yet. Soil testing has been done. The Archeologist letter of 7/21/15 was already submitted. Wetlands approval was obtained on August 11th and the most recent approval. The Killingworth Land Trust has two parcels. Total Open Space is 15%. He briefly reviewed the Fire Marshal's letter including the fire access and the 30,000 gallon tank.

Mr. Stevens next reviewed the two waivers being requested of Section 485-56.2D.(5) (zero increase in runoff) and 485-49B.4 (to allow Lots 7 and 8 to share a driveway). Chairman Lentz noted with the waiver there would be less impact in terms of construction.

Mr. Stevens reviewed road drainage. No curbs are being proposed. Grass swales on both sides of the road. The culvert is 24". Any driveway over 10% will be paved. The Highway Foreman has requested riprap aprons be constructed.

Mr. Stevens noted the detention basin has changed since the field walk based on conversation with Joe Dillon, Town Engineer. It has increased from 18 to 21,500 cubic feet. Stevens noted he received a phone message this morning that the road has to be posted for 25 miles an hour, but designed for 30. A letter from Joe Dillon was expected for tonight's meeting but nothing was received. One verbal comment from Mr. Dillon was the need for a drainage analysis. There will also be a punch list of engineering items, but no show stopper. Chairman Lentz noted it sounds like everything has been addressed, but the Commission needs the letter. In the meantime, the Commission can act on the waivers. Chairman Lentz reviewed both waivers.

Motion by Gross, second by Gay, to approve Waiver of Section 485-56.2D.(5) of Subdivision Regulations for Old Coach Road Subdivision, 140 Roast Meat Hill Road as 3.2% increase in runoff is negligible. PASSED UNANIMOUSLY.

Motion by Warren, second by Hogarty, to approve Waiver of Section 485-49B.4 of Subdivision Regulations for Old Coach Road Subdivision, 140 Roast Meat Hill Road as the Commission has granted waivers in the past that have wetlands crossings as it reduces the impact. PASSED UNANIMOUSLY.

Chairman Lentz noted the waivers have been approved, the Commission has walked the site.

Everything appears to comply with the regulations. The only concern was the clear cutting on Lot 8. He explained some years ago clear cutting was done on a property before subdividing and submitting a Tree Preservation Plan. He noted he was sure that was not the case here. Mike Milano noted he was willing to plant some trees down the road. Chairman Lentz suggested a proposal be submitted. Lentz also noted there had been some confusion that clear cutting had been done on the Open Space, but it was not.

Tom Stevens noted the stone wall in the middle of Lot 8 has been located. The Open Space was 100 feet from that stone wall.

The proposed house sites for Lots 7 and 8 were reviewed.

Chip Morgan submitted and read his letter to the Commission dated November 17, 2015 into the record. Chairman Lentz pointed out the Deed from May 2003 does not say where the restricted area is. It isn't defined by metes and bounds. Lentz noted in his opinion this subdivision clarifies this once and for all as its been indicated on the map what the protected area is. There was much discussion regarding the protection of the 37 acres.

Chairman Lentz noted he felt this was a gain for the Land Trust and the Town. Mike Milano noted he doesn't plan to bring any construction vehicles through there or use it as an access to the main driveway. Lot 13 is an agricultural area. Lentz noted through approval of this subdivision, the 37 acres will be defined and preserved. Tom Stevens noted the metes and bounds should be shown.

Chairman Lentz noted hopefully the engineer's report will be received at the next meeting. ZEO Jefferson noted she spoke to Joe Dillon about 2 weeks and was disappointed a letter had not been submitted.

6. Zoning Enforcement Officer's Report ZEO Jefferson reported on the following -

Met with Kevin Albrecht and Mike Cassella about plantings at the Killingworth Garage. They assured her the plantings would be done before it got too cold. She noted the Commission had asked for boxwoods, but boxwoods aren't salt tolerant being that close to the road. Something else will be used.

Has not heard back from Mr. Hogan at 25 Route 79 since letter was sent regarding home business and unregistered motor vehicles.

Zoning Map status was updated. The delay has been getting the parcel map updated. The Open Space data is under the old parcel data. There was a brief discussion as to whether or not it should be updated with the new Open Space data. Chairman Lentz asked if it mattered

that much. Tom Hogarty noted the data should line up. ZEO Jefferson noted the Open Space data was added on to the Zoning Map for nothing. A price has been requested to update the Open Space data.

7. New Business

(a) Special Exception Amendment #306 – expand existing approval for LaForesta parking 20' Don Venuti was present representing the applicant. Mr. Venuti explained the widening of the parking lot noting some of the lot was lost when the addition was put on. He noted he wanted to make a berm to make the neighbor happy, but the Wetlands Commission said no. Stephanie Warren asked how the neighbor would react if parking lot is increased. ZEO Jefferson noted the Wetlands Commission said because of topography the lights won't shine into the house. It's been over a year since any complaints have been received from the neighbor. David Gross noted this would be trading some low brush for parking lot. Mr. Venuti showed on the plan where the expanded parking would go. ZEO Jefferson noted only one tree will be removed hanging over the propane tank. Members looked at the photo taken by the ZEO. Warren asked how many additional cars this would accommodate. Mr. Venuti replied 15-20. Chairman Lentz noted it will get denser when these trees grow up.

Motion by Gross, second by Gay, to approve Special Exception Amendment #306 – expand existing approval for LaForesta parking 20'as presented. PASSED UNANIMOUSLY.

8. Report of Officers and Subcommittees

Chairman Lentz noted the Commission reviews all applications to Zoning Board of Appeals. The Bodner application, 134 Green Hill Road, was for a front setback due to the close proximity of the house to the front boundary. The setbacks do not allow for restoration of the front porch. In that era, houses were placed closer to the road. It was noted the current structures are in disrepair. A new covered porch would enhance the look. C. Jefferson noted the road had been moved which is also a factor.

9. Executive Session – Pending Litigation

Motion by Gross, second by Warren, to go into Executive Session at 8:40 PM for the purpose of discussing Pending Litigation. PASSED UNANIMOUSLY. The Commission came out of Executive Session at 8:45 PM.

10. Adjournment

There being no further business, the meeting adjourned at 8:46 PM.

Respectfully submitted,

Judith R. Brown

