

Minutes of Regular Meeting No. 1092 of the Killingworth Planning & Zoning Commission  
Held Tuesday, April 7, 2015, at the Killingworth Town Office Building, 323 Route 81,  
Killingworth, Connecticut

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Present: T. Lentz, Chairman  
          J. O'Brien  
          S. Morgan  
          D. Gross  
          S. Warren  
          J. Gay (seated for G. Cook)

C. Jefferson, ZEO

1. Call to Order

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

2. Minutes of Regular Meeting No. 1091 Held March 17, 2015  
**Motion by Gross, second by Morgan, to approve March 17, 2015 Minutes as written. PASSED UNANIMOUSLY.**

3. Visitors

(a) Jane Marsh and Gene Gargiulo-discussion re mixed use buildings in large commercial district  
Attorney Jane Marsh and Gene Gargiulo were present. Attorney Marsh noted they were before the Commission to ask about the big buildings on the rotary. She explained after their last visit, First Selectwoman Iino came to the Commission with a plan for that area so they scrapped their idea.

Attorney Marsh noted they have another idea which was to have one building all residential and the one building closest to the road be all commercial. They would not then ask for apartments again.

Attorney Marsh noted they would still be willing to do a zone change if the Commission was receptive to that. Marsh noted the building with the apartments is working out well. No complaints. The residential uses already there would rather there be other residential than commercial. Gene Gargiulo noted there has been no commercial activity in the back building at all for the last 3 years.

Chairman Lentz noted he wasn't sure what Attorney Marsh was referring to with regard to the selectmen. The Selectmen talked about the entire commercial district and how to make it more attractive, which is not what this discussion is about.

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Attorney Marsh noted she thought the First Selectwoman talked about having a town road and incorporating that into a zone change. Cathie Jefferson noted First Selectwoman Iino talked about coming in off Ely Lane and connecting the back building having an access road.

There was discussion about having 50% residential and 50% commercial. It was noted the problem with having one building residential and one building commercial is that it would always have to be in the ownership for that to work. Attorney Marsh noted they would agree to that and put a covenant on the Land Records.

There was discussion regarding cluster buildings. Chairman Lentz asked what would happen if one building gets sold. C. Jefferson noted it would have to be deed restricted so any new owner understands they can't do anything else with it.

Chairman Lentz noted this would effect possibly a lot of buildings. In 2012 they adopted a regulation to allow residential and commercial in residential. The hope was that would stimulate more activity in that zone. He further noted this is a Planning Commission and they plan long term. This was one way to provide for future economic development in the town. The commercial business would be more successful on the first floors instead of commercial in the whole building on first and second floors.

Gene Gargiulo noted businesses are not interested in at looking at the back building for office space.

Chairman Lentz noted there was a successful business venture in that building. Timmerman left the company and as soon as he left that building, it failed.

Chairman Lentz noted there was a good plan for mixed use in those buildings for commercial and residential. Thinking long range for the town, he didn't see why it should change now.

David Gross suggested talking to First Selectwoman Iino again.

They haven't started their committee yet.

Chairman Lentz noted the regulation would have to be changed in order to allow the whole building to be residential.

Attorney Marsh noted those two buildings are not like anything else in Killingworth. They were advanced. Maybe it wasn't quite ready for what Killingworth was ready for. She indicated we are talkin about now and for the next 10 years. Things can change in the future too.

Jim O'Brien asked if there was an advantage of residential vs. commercial. Gene Gargiulo noted financially commercial is the best way to go. Joan Gay asked what the logic would be that it could be filled more if it was all commercial. Gene noted the front building is more attractive to commercial than the back building. He has two small users currently looking but they don't want the back building.

Chairman Lentz noted the Commission now has a new idea they can talk about. He suggested Attorney Marsh write up a proposal for the Commission.

#### 4. Communications and Bills

(1) Documentation pertaining to Resolution to accept liens as method to provide financial guarantee.

(2) Planning & Zoning Commission Budget As Of 4/1/15.

(3) Invoices from Howard McMillan & Tycz dated 4/3/15 in the amounts of \$2,357.50 and \$93.50.

(4) Letter from Jacobson & Associates, Joseph Dillon, dated March 12, 2015 Re The Ridges at Deer Lake, Bond Update.

(5) Cease & Desist Letter from Cathie Jefferson to Running Brook Farms dated 3/27/15.

(6) Letter from ConnDOT to Nathan L. Jacobson & Associates dated March 11, 2015 Re Detour for Parker Hill Road

Drainage Improvements.

(7) Referral from Clinton Planning & Zoning Re Proposed Amendment to Zone Map, date of public hearing 5/4/15.

5. Old Business

(a) Discussion re mixed use buildings in large commercial district

David Gross noted the Committee needs to be very careful with this and not make spot adjustments at this time. Even if the Selectmen form a committee it may be years off. Impact to future town development needs to be considered.

Jim O'Brien asked is the town better off with empty buildings vs. full buildings. There is 10 years of history of this building being empty. Is adding 6 apartments really a bad thing? Commercial potential wouldn't be reduced as there is the other building.

Joan Gay noted she would like to see more raw data on this proposal. Stefanie Warren noted she would be curious as to how many inquiries the owner has had over the 10 years.

There was a brief discussion regarding cluster. The only other one is True Value Hardware.

Cathie Jefferson suggested perhaps the two properties should be merged so one building couldn't be sold without the other. A full building is always better than an empty one.

Joan Gay asked if there was any opposition originally to having separate residential and commercial. Jim O'Brien noted this didn't evolve like the Commission thought it would. Chairman Lentz noted the economy is improving. There are 3 new businesses in town.

David Gross suggested the Commission advise the First Selectwoman this request has come in and maybe the Board of Selectmen could move sooner than later on their idea for the commercial district.

Chairman Lentz suggested C. Jefferson tell Attorney Marsh to submit a general plan to see how this would fit in with the commercial district. There needs to be some clarification of what is being proposed and the merging of the properties. If the properties were merged, there really wouldn't be the need for a covenant saying 50% residential and 50% commercial.

6. Zoning Enforcement Officer's Report  
The permit log for March 2015 was distributed.

ZEO Jefferson noted she issued a Cease & Desist Order to Scott Papoosha, Running Brook Farms, as he is processing wood. Mr. Papoosha told Ms. Jefferson he thought the Commission gave him permission to do processing. Jefferson advised Papoosha to submit an application to the Commission but not until he has cleaned up the property as he was previously instructed to do by the Commission.

7. New Business

(a) Resolution to accept liens as method to provide financial guarantee

C. Jefferson noted a couple of developers (The Ridges of Deer Lake and Cranberry Meadows) have asked that in lieu of taking a bond, could the Town take a lien on the property instead. They would take a couple of lots and turn them over to the Town by lien. Liening property, however, is not in the regulations so Attorney Howard has suggested making a Resolution that would cover it. **Motion by O'Brien, second by Gay, that the Planning & Zoning Commission adopt a Resolution approving liens as a method to provide financial guarantee pursuant to §8-25(d) of the General Statutes for the completion of public improvements in each subdivision and authorizing the chairman to sign the lien on behalf of the commission and the town. PASSED UNANIMOUSLY.**

8. Report of Officers and Subcommittees

Jim O'Brien noted RiverCog is planning on bringing in special people to review certain things. It was noted towns have regulations to cover those costs. C. Jefferson noted she would

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check with Torrance Downes regarding this matter.

Chairman Lentz noted he thought about combining those two lots in the commercial district, but doesn't really want to do that as it would be impossible because of the banks.

Joan Gay gave a brief review of the status of the 9 Town Transit Route 81 Project. D.O.T. does not have funding for the project, but there is a possible Grant out there. Letters of support are being requested for this project to submit with the Grant application.

Stephanie Warren noted the recent Land Use meeting she attended was very informative.

#### 9. Adjournment

There being no further business, the meeting adjourned at 8:15 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., Comm. Attorney
		Joseph Dillon, Town Engineer