

Minutes of Regular Meeting No. 1111 of the Killingworth Planning & Zoning Commission Held Tuesday, February 16, 2016, at the Killingworth Town Office Building, 323 Route 81, Killingworth, Connecticut.  
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It is noted for the record a public hearing was held for Special Exception Application #307 submitted by A. Forrest King, (applicant and owner) for Accessory Apartment within Existing Barn in Residential District, Section 500-43-B(15) for property located on 12 Fire Tower Road, Killingworth, Connecticut (Tax Map 24, Parcel Number 2, Zoning District RR). The hearing commenced at 7:02 PM and concluded at 7:10 PM. The members listed below were present for the hearing. Jason Nemergut represented the applicant.

Present: T. Lentz, Chairman C. Jefferson, ZEO  
D. Gross  
S. Warren  
P. McGuinness  
T. Hogarty  
A. Martin (seated for G. Cook)

1. Call to Order

Chairman Lentz called the meeting to order at 7:11 PM immediately following the above noted public hearing.

2. Minutes of Regular Meeting No. 11010 Held February 2, 2016

**Motion by Gross, second by Warren, to approve February 2, 2016 Minutes as written. PASSED UNANIMOUSLY.**

3. Visitors – none.

4. Communications and Bills

(1) Memo to Planning & Zoning Commission from Inland Wetlands and Watercourses Commission for Special Exception #307 A. Forrest King dated January 12, 2016.

(2) Memo to Planning & Zoning Commission from Jim McDonald, Fire Marshal, Re Special Exception #307, Chatfield Hollow Farm 12 Fire Tower Road dated January 21, 2016.

(3) Memo to Cathie Jefferson, Zoning/Wetlands Officer from Paul Hutcheon, Director of Health, Re Special Exception #307 dated January 14, 2016.

(4) Memo to Cathie Jefferson, Zoning/Wetlands Officer, from Paul Hutcheon, Director of Health, Re Application #310, Accessory Apartment, 291 North Parker Hill Road dated February 9, 2016.

(5) Memo to Thomas Lentz, Planning & Zoning Commission from Paul Hutcheon, Director of

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Health, Re Old Coach Road Subdivision, Lot Line Revisions dated February 11, 2016.

(6) Email from Jim McDonald, Fire Marshal, to Cathie Jefferson Re 8 Route 80 dated February 16, 2016.

(7) Memo to Thomas Lentz, Planning & Zoning Commission from Paul Hutcheon, Director of Health, Re Special Exception #309 – 8 Route 80 dated February 11, 2016.

(8) Correspondence from Connecticut Federation of Planning & Zoning Agencies Re Annual Conference on March 17, 2016.

(9) Emails between Thomas Lentz and Mark Branse dated February 8 and February 9, 2016 Re Technical Assistance Fee Ordinance.

(10) Site Plan Application #310, David Hudson, 291 North Parker Hill Road for accessory apartment.

(11) Lot Line Revision Application Re Old Coach Road Subdivision, Milano.

(12) Updated Statement of Use and Site Plan for #309 - for 8 Route 80.

#### 5. Old Business

(a) Special Exception Application #307 submitted by A. Forrest King, (applicant and owner) for Accessory Apartment within Existing Barn in Residential District, Section 500-43-B(15) for property located on 12 Fire Tower Road, Killingworth, Connecticut (Tax Map 24, Parcel Number 2, Zoning District RR).

Chairman Lentz noted a public hearing was held prior to this meeting. All the approvals are in, everything seems to be pretty straight forward, however there were conditions on the Fire Marshal's report to the Fire Protection Plan.

**Motion by Warren, second by Gross, to approve Special Exception #307, A. Forrest King for accessory apartment within existing barn at 12 Fire Tower Road, subject to the conditions of the Fire Marshal's letter dated January 21, 2016. PASSED UNANIMOUSLY.**

(b) Site Plan #308, 81 High Mart, 260 Route 80, Sign

Chairman Lentz noted no further information has been received on this application. The deadline for making a decision will be the next meeting. It will either have to be withdrawn or denied if no further information is available. ZEO Jefferson noted the applicant is still in the process of getting approval from Shell.

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(c) Site Plan #309, 8 Route 80, LLC – replacement of existing building

It is noted for the record Stephanie Warren recused herself from this application.

Updated Statement of Use and Maps were distributed. Attorney Tom Cronan introduced himself as the applicant's representative noting he was only recently hired and was not at the last meeting. Attorney Cronan read into the record an email dated January 26, 2016 from Cathie Jefferson to Don Gesick. He also noted letters had been received from the Sanitarian and the Fire Marshal.

Attorney Cronan explained there is a pond on the property. The Fire Marshal has asked this be made more suitable for fire protection purposes to serve that part of Town. The current plan is sufficient to allow the Fire Marshal to sign off on the application, but not the Certificate of Occupancy. ZEO Jefferson explained the fire protection plan includes a drafting basin in the pond which is on a separate piece of property. That hasn't been designed yet or received approval from the Wetlands Commission. A Certificate of Occupancy will not be issued until the drafting basin is up and running.

David Gross asked what if the Wetlands Commission denies their application. Jefferson replied they would have to find another fire protection plan for the building. Attorney Cronan noted the applicant has spent a lot of money on that building and wants to have proper fire protection.

Attorney Cronan noted the parking and landscaping have been shown on the site plan along with the screened areas. Cronan reviewed parking required on the table in the site plan. He noted there are 32 employees which is what the Sanitarian letter of approval is based upon.

Attorney Cronan noted the plan is for this to become their world headquarters. He maybe looking in the future for additional office space.

Attorney Cronan noted there were 3 parts to the updated Statement of Use – the Statement of Use already approved for the site, the changes and the table of parking.

Attorney Cronan explained how the Bull Bag process works and where it goes. If items are reuseable, they come back to this building and sorted in the warehouse. There will be no hazardous materials and the use is not more intense than the previous use. It will be a recycling use similar to what it had been previously.

Alec Martin asked what the possibility was of toxic or hazardous materials being thrown into the bags. Attorney Cronan noted the warehouse has a concrete floor so there is some protection

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there. The items are not stored on site. He further noted the truck driver will make some observation and if there is a problem, he will call in to see how to handle it.

ZEO Jefferson noted the State of Connecticut monitors this use and will have oversight of the operation.

Tom Hogarty asked what the radius of service is for this facility. Attorney Cronan replied he didn't have a hard number, but felt it might be 20 miles. Hogarty also asked how many trucks would run out of this facility. Cronan replied he did not have a number. Hogarty asked if the bags in Home Depot were just in Connecticut. Attorney Cronan noted the applicant has suggested truck traffic in and out will be less than what it had been before. All bags are picked up by Bull Bag trucks.

Tom Hogarty asked if the contents of these bags would be seen in the Killingworth Transfer Station. Both ZEO Jefferson and Attorney Cronan replied no. Bull Bag does not have a transfer station sticker.

Paul McGuinness asked if additional lighting was needed outside. Attorney Cronan replied he did not see any. ZEO Jefferson noted it had been suggested a condition of approval be for full cutoff lights.

Tom Hogarty asked if this was the only facility right now in Connecticut. Cronan replied to his knowledge yes.

David Gross noted the applicant has done what he was asked to do. Parking and Landscaping was added to the site plan and any additional lighting needs to be shielded.

Tom Hogarty asked where the closest facility was for just trash. ZEO Jefferson replied it might be Calamari's in Essex.

The 3 buildings were briefly reviewed. It was noted the 2<sup>nd</sup> floor was already there.

Chairman Lentz noted the applicant has about 95% of what they need. The cutoff lighting could be a condition of approval as could the Fire Marshal comment on the new building.

It was noted some questions still unanswered were the area covered, how many trucks per day and where the material is taken. Attorney Cronan noted this is a site plan application and discussion is starting to merge into Special Exception considerations with number of trucks.

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Tom Hogarty noted the Commission is approving the site plan for “x” amount of trucks. Cronan noted the prediction is less than what was there before. There was discussion regarding 4 trucks. Chairman Lentz noted it could be limited to 4 trucks. ZEO Jefferson noted the applicant could always come back and amend the site plan if its more than 4 trucks. Hogarty noted if he may need more, maybe he should ask for it now. ZEO Jefferson noted the Commission can only approve what the applicant is asking for.

**Motion by Gross, second by Martin, to approve Site Plan #309, 8 Route 80 LLC, with the following conditions -**

- 1. All lighting on the property will be full cutoff lighting.**
- 2. Four (4) trucks will service this location.**
- 3. All requirements of the Fire Marshal's report dated February 16, 2016 for the new building shall be met.**
- 4. No materials shall be stored outside.**

Discussion followed. Alec Martin asked if all materials were going to be stored in the building or all over the site. It was noted there was nothing on the site plan showing outside storage of materials.

Tom Hogarty noted he had reservations and would take this to a public hearing because of the lack of understanding of the application at the first meeting. He further noted the applicant's attorney doesn't have the answers to a lot of questions and he (Hogarty) did not feel confident. Hogarty would like to know how this process really works, where does it go, what is being kept on site, how many trucks. He felt the neighbors should have a say. Hogarty noted the Commission can vote to take this to public hearing. Attorney Cronan noted the decisional criteria doesn't change. Hogarty reiterated he thought this was a significant site plan. Chairman Lentz noted there is a site plan use there already. Cronan noted this use is less intense than the prior use. David Gross noted he would like to know what is in the Commission's purview. Based on what the Commission has heard and nothing is stored outside, 4 trucks, everything stored inside, does that afford some protection. Gross noted he had some sense of comfort with that.

Chairman Lentz noted this is an industrial district. Hogarty asked what the rush was. He reiterated he was not confident. Gross asked if the applicant was in a rush. Could the applicant say the Commission is delaying him unreasonably beyond what the regulations call for. Chairman Lentz noted the Commission has 65 days.

**It was agreed the motion and second were withdrawn** and the applicant will be asked to

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come back and answer the following questions -

1. Clarify number of trucks per day.
2. Area that is covered.
3. Where the materials are taken (Gross noted the Commission needs to get a better understanding of the operational process and what is occurring on site and will it have an impact on the local Killingworth Transfer Station).
4. What is the capacity of the facility (C. Jefferson noted the capacity is what is shown on the site plan. If it changes, they have to come back and ask for an amendment. If we approve 4 trucks and that is what is on the site plan, that is what he gets).

Attorney Cronan noted the Commission needs to decide on the application in front of it. That is the law.

It is noted for the record Stephanie Warren is reseated for the remainder of the meeting.

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

ZEO Jefferson noted she is still waiting for cost estimate from Tighe & Bond on the maps.

ZEO Jefferson noted she met with Aaron Snow about his house fire over the weekend. He is trying to figure out what can be done so they can stay on the property which the house is being redone. They could get a mobile home and hook it up to the septic. The Town allows a property owner to have a mobile in the case of a fire, but a Certificate of Occupancy will not be issued for the house until the mobile home is gone.

Permit Log for January 2016 was distributed.

#### 7. New Business

(a) Site Plan #310, David Hudson (owner), 291 North Parker Hill Road, Map 12, Lot 52B – Accessory Apartment

ZEO Jefferson noted all approvals are in for this application. This is an existing house with accessory apartment over top of the garage. Its within the house and requires site plan approval. Only detached buildings require a public hearing.

**Motion by Gross, second by Warren, to approve Site Plan #310, David Hudson, for accessory apartment at 291 North Parker Hill Road, as presented. PASSED UNANIMOUSLY.**

(b) Lot Line Revision – Old Coach Road Subdivision, Karen Milano (owner)  
Tom Stevens, Professional Land Surveyor, introduced himself as the applicant's representative.

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He explained the regulations require pins to be placed. Once they were placed, Mr. Milano realized what he envisioned was not what was there, it was 2 different things.

Mr. Stevens reviewed the 3 lot line revision requests – 1) Lots 10, 11 & 12; 2) Lot 9 and 3) Lots 7 & 8. He also noted no septic or well locations were being affected by these revisions.

Chairman Lentz noted these revisions do not change the number of lots which would have been a concern. Chairman Lentz and David Gross both noted they did not see any problem with this request.

Once prepared Tom Stevens will file the mylar (3 sheets). He will also put bearings and distances o the restricted area.

Paul McGuinness noted the owner of Lot 10 can't cut vegetation on the back of the lot. The Deed will show it as Open Space.

**Motion by Hogarty, second by Warren, to approve Lot Line Revisions for Old Coach Road Subdivision as submitted. PASSED UNANIMOUSLY. (it is noted for the record A. Martin recused himself as a neighboring property owner).**

(c) Executive Session

**Motion by Gross, second by Martin, to go into Executive Session at 8:30 PM to discuss candidates for Planning & Zoning Counsel. PASSED UNANIMOUSLY. Commission came out of Executive Session at 8:55 PM.**

**Motion by Hogarty, second by Gross, to offer the position of Killingworth Planning & Zoning Counsel to Mark Branse. PASSED UNANIMOUSLY.**

8. Report of Officers and Subcommittees

Chairman Lentz noted when there isn't too much on the Agenda, the Commission can talk about proposed regulations. He also indicated the Commission needs to decide on the Library sign. Tom Hogarty noted size and placement are the only 2 things that can be regulated. Color and content are not regulated.

9. Adjournment

There being no further business, the meeting adjourned at 9:00 PM.

Respectfully submitted,

*Judith R. Brown*

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Judith R. Brown, Recording Secretary

cc: Town Clerk Conservation Commission  
Board of Selectmen Inland Wetlands & Watercourses Com.  
Commission Members Public Works  
C. Jefferson Mark Branse, Esq., Comm. Attorney  
Joseph Dillon, Town Engineer