

**Minutes of Regular Meeting No. 1110 of the Killingworth Planning & Zoning Commission
Held Tuesday, February 2, 2016, at the Killingworth Town Office Building, 323 Route 81,
Killingworth, Connecticut
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Present: T. Lentz, Chairman
D. Gross
G. Cook
S. Warren
P. McGuinness
T. Hogarty
J. Gay (non-seated alternate)
A. Martin (non-seated alternate)
R. Abrams (non-seated alternate)

1. Call to Order

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

2. Minutes of Regular Meeting No. 1109 Held January 19, 2016

Motion by Gross, second by Cook, to approve January 19, 2016 Minutes amended as follows -

- **Delete Item 4.(4) Application #309, 8 Route 80, LLC – Special Exception/Site Plan.**
- **Correct typos – Under Visitors, 8th sentence correct the word “argued”. Under 4.(4), correct the word “approval”. Under 7. (a), 4th sentence correct the word “compromised”.**

PASSED UNANIMOUSLY.

3. Visitors

Mark Branse and Elizabeth Heins (Eliza) were present from Branse & Willis, LLC. Attorney Branse noted they were happy to be invited. He reviewed members of their law firm, noting their firm's focus is land use law. He has been doing that since 1979 and was a town planner before that. Attorney Branse noted they represent a lot of town around this area – Old Lyme, Old Saybrook, Westbrook are a few. The main approach of their firm is to be proactive. They review Zoning Regulations to be sure they are up to date and identify items that might be trouble. They have the Model State Regulations to use as a starting point. He noted the Zoning Regulations no longer provide for waivers. He also noted the Statutes on bonding were changed a few years ago.

Attorney Branse noted they do free seminars on public hearing procedures. Most cases are lost due to procedural things. In this area it could include other towns such as Haddam, Killingworth, East Haddam, etc.

Attorney Branse noted Attorney Heins has been with the firm for 1½ years. She does a lot of municipal work and represents ZEO's in enforcement actions and appeals. She recently gave a

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presentation on overlay zones and a recent court case on signs.

Attorney Branse noted the agenda for tonight's meeting showed an item #309 Special Exception/Site Plan application. He noted there is never a Special Exception Site Plan application. Chairman Lentz noted it was a site plan application.

Attorney Branse noted they are located in Glastonbury. Chairman Lentz asked if the ZEO had to meet with them, where would it be. Branse replied most of the time we go to the town hall or it can be through emails. Lentz asked about phone calls. Would the ZEO be able to talk to Attorney Branse right away. Attorney Branse replied yes. He suggested the Commission call any of the towns they represent and ask. He further noted the most common complaint is trouble reaching a town attorney. That is not the case with Branse & Willis.

Stephanie Warren asked if there was a problem, how much communication there would be and with who and who would handle and follow through. Attorney Branse noted Attorney Heins does tax lien foreclosures and enforcements. Attorney Willis does real estate and municipal work. Attorney Hamel does wetlands and construction related items. And Attorney Branse does what's left over.

Attorney Branse explained their software system whereby any one of the attorneys could access the system and find out what is going on with a specific matter. The system keeps track of all calls, mail, time lines and court dates for each and every matter. Everyone enters their information digitally. Branse also noted the four attorneys eat lunch together every day so we all know everything. Everyone can link to the office from anywhere.

Chairman Lentz noted the Commission has used Howard & McMillan for many years and has had good service with Attorney Howard. Attorney Branse noted if the Commission is happy with Attorney Howard that is fine, but they would be happy to be of service to the Commission.

Rob Abrams asked if there is such a thing as a conflict within the firm if it is working with so many towns. Branse replied it could happen, but it would be very rare.

Joan Gay asked how the firm allocates resources to the towns. Attorney Branse noted he tends to be triage person and routes everything out. Attorney Heins noted its informal, if one can't do something, another one will fill in. Branse noted it definitely is divided by topic. He also noted they turn away private clients. Their rule is if they represent one agency in a town, they will not represent any private client before another commission or board.

Chairman Lentz asked about fees. Attorney Branse noted their municipal rate is \$185.00 per

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hour. Branse reiterated they try to be proactive and not reinvent the wheel.

Stephanie Warren asked if hired by a municipality, would the firm wait until there is a problem before finding out about the regulations or educate themselves ahead of time. Branse noted they always go through and identify potential issues ahead of time.

Paul McGuinness asked how the firm defines success and what was their win/loss in terms of going to Court. Attorney Heins noted they win a lot. Attorney Branse noted they really don't lose very often. He further noted one has to send a message that you are serious and people need to know you know what you are doing. Branse also noted anyone can call them at home or on their cell any time of the day or night. They'd much rather get a call then have to clean up a mess.

4. Communications and Bills

(1) Application #309 – 8 Route 80 – site plan application received.

(2) Proposed Ordinance for Technical Assistance Fee. Chairman Lentz noted a draft had been prepared and reviewed by Attorney Tycz who made some changes. This will be included in the next regulations package. Lentz explained this is a way of getting reimbursed if the Commission has to hire someone to give technical advice.

(3) Letter from Killingworth Fire Marshal Jim McDonald to Planning & Zoning Commission dated January 21, 2016 Re Special Exception #307, 12 Fire Tower Road.

(4) Notice from Connecticut Federation of Planning & Zoning Agencies Re Annual Meeting to be held on March 17, 2016.

(5) Email from ZEO Cathie Jefferson to Don Gesick Re #309, 8 Route 80, Site Plan Application.

5. Old Business

(a) Special Exception #307, A. Forrest King, 12 Fire Tower Road, accessory apartment in detached building – public hearing set for February 16, 2016

Chairman Lentz noted a public hearing has been scheduled for this application for Tuesday, February 16, 2016.

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

Chairman Lentz noted Cathie Jefferson met with the applicant. They understand the sign can be 20 square feet, 10 per side. They are checking with Shell to see if that is okay. Stephanie

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Warren noted the other question was whether it would be a monument and the location. Chairman Lentz noted the Commission wanted to know about other signs on the property.

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

It is noted for the record Stephanie Warren recused herself. Joan Gay was seated in her place.

Chairman Lentz noted the applicant has hired Don Gesick to do a site plan since the last meeting. Mr. Gesick did the one for the previous owner. ZEO Jefferson spoke with Mr. Gesick. Items still needed – more comprehensive statement of use, site plan showing landscaping and parking for trucks and employees, letter from the Fire Marshal regarding fire protection (also located on the plan) and a letter from the Health Director stating the plan is compliant with the Health Code. Lentz noted Don Gesick is working on this and it will probably be ready for the next meeting.

6. Zoning Enforcement Officer's Report – none.

7. New Business – none.

8. Report of Officers and Subcommittees

Stephanie Warren noted she spoke to Torrance Downes regarding the POCD Survey. He indicated he would do this provided the Commission provided him with information on what was important to it. She urged members to look at the old survey and see what, if any, other issues have come up since 2008. Everyone should respond to Stephanie by email with their thoughts. Warren noted Mr. Downes would need 6 to 8 weeks to do this. Geoff Cook asked if there was any statistical data as to how long the survey should be before people just throw them away. Warren replied 25 questions is a good amount. 25-30 is max. A return rate of 10% per 1000 is fabulous. Warren asked if these would be sent out with the tax bills or on survey monkey. Chairman Lentz replied it could be done electronically and paper.

Chairman Lentz noted he has been looking at additional regulations. There really aren't that many, but he will put a package together for the next meeting. One thing is keeping up with the changes in the State laws. Lentz noted previously the Commission used to get something from CRERPA after the legislative session as to new regulations.

9. Adjournment

There being no further business, the meeting adjourned at 7:50 PM.

Respectfully submitted,

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Judith R. Brown

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