

Minutes of Regular Meeting No. 1133 of the Killingworth Planning & Zoning Commission Held Tuesday, February 21, 2017, at the Killingworth Town Office Building, 323 Route 81, Killingworth, Connecticut

It is noted for the record a public hearing was held prior to the regular meeting for Application #319 Resubdivision of Land of Eric Auer, 11 Burr Hill Road, Killingworth, Map 12, Lot 11.

Present: D. Gross, Vice Chairman C. Jefferson, ZEO
S. Warren
P. McGuinness
J. Gay (seated for T. Lentz)
A. Martin (seated for T. Hogarty)
R. Drew (arrived at 7:05 PM and seated for G. Cook)

1. Call to Order

Vice Chairman Gross called the meeting to order at 7:16 PM immediately following the above noted public hearing.

2. Minutes of Regular Meeting No. 1132 Held February 7, 2017

Motion by Warren, second by Gay, to approve February 7, 2017 Minutes as written. PASSED UNANIMOUSLY.

3. Visitors – all visitors present were listed as agenda items.

4. Communications and Bills

(1) Affidavit of Publication for Notice of Public Hearing for Application #319, Resubdivision of Land of Eric Auer.

(2) Letter from Cathie S. Jefferson to Paul Norman dated 2/17/17 RE Motor Vehicle Junk.

(3) Letter from Cathie S. Jefferson to Michael Scaniffe dated 2/21/17 RE Construction without permits and operating a business without permits.

(4) Letter from Jacobson & Associates to Planning & Zoning Commission dated February 21, 2017 RE Auer Subdivision, 11 Burr Hill Road, Engineering Review.

(5) Application #321 Site Plan, LaForesta, 163 Route 81 – Lighting, Parking and Storage Shed – Modification to existing approval

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(6) Application #322 Special Exception, Michael Cassella, 157 Route 81 – Hot Dog Cart and Parking Expansion

(7) Application #323 Running Brook Farms, 219 Route 80 – Extension of accessory use for processing of trees and logs

5. Old Business

(a) #319 – Resubdivision of Land of Eric Auer, 11 Burr Hill Road, Map 12, Lot 11
Vice Chairman Gross noted the application had been presented. A public hearing was held prior to this meeting. The letter from the Town Engineer dated February 21, 2017 was read into the record. Roger Nemergut noted he has read the letter and would accept it as a condition of approval. Paul McGuinness noted the demolition of the accessory building was shown on the plan.

Motion by McGuinness, second by Warren, to approve Application #319, Resubdivision of Land of Eric Auer, 11 Burr Hill Road, Map 12, Lot 11 as presented with conditions as stated in Town Engineer's letter dated February 21, 2017 to Killingworth Planning & Zoning Commission. PASSED UNANIMOUSLY.

6. Zoning Enforcement Officer's Report

ZEO Jefferson reported on the following –

- January permit log was distributed.
- The Old Coach Road Subdivision road has gone to Town Meeting and was approved. A question came up regarding road fees. Jefferson noted the Town does not accept the road until all bills have been reconciled, including attorneys, easements and as-builts. The process for figuring the road fees was discussed. It was noted Killingworth charges \$5.00 per linear foot as its fee, which is considerably lower than other towns which range between \$22.00 and \$27.00 per linear foot. Jefferson noted she would like to suggest to the Board of Selectmen the Town charge \$15.00 per linear foot. This would have to go to Town Meeting for approval. There was a consensus of Commission members to increase the fee to \$15.00 per linear foot.
- C. Jefferson's letter to Michael Scaniffe regarding construction without permits and operating a business without permits was briefly reviewed.

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- C. Jefferson suggested the Commission think about having a customary home occupation on a shared driveway for the future.

7. New Business

(a) #321 Site Plan, LaForesta, 163 Route 81 - Lighting, Parking and Storage Shed – Modification to existing approval

Michael Harkin, Professional Engineer, was present representing the applicant.

Mr. Harkin noted the owner of LaForesta, Francesca, was also present. Mr. Harkin noted they have been working on this project of site improvements for 4 to 5 months. In order to complete the parking plan, they needed to know the seating capacity. They have been working with the State Health Department to increase seating. They finally came up with a number of 95 people, hence, the increase in parking lot size.

Mr. Harkin reviewed the parking spaces noting they have 92 spaces including handicap spaces. There is a walkway to the main building from the handicap spaces. He pointed out the area of the parking lot that was to be paved.

Mr. Harkin reviewed the site lighting being proposed. Previously some site lighting was put in without cutoff switches. He noted there are currently 6 flood lights on the building which will be repositioned to not show in the roadway and have cutoff switches installed. There are 6 pole lights in the parking lot, 12' high to meet the regulation which are also full cutoff. There are 2 post lights that meet regulations.

Mr. Harkin noted the site plan shows the proposed parking, lighting and the new addition that was put on to cover up the coolers. ZEO Jefferson noted a building permit was submitted for the addition, but the process was stopped as it had to come before Planning & Zoning. There are also two telephone poles that need to come down. Francesca noted the poles cost \$5000 and he didn't understand why they have to come down. It was explained any time one changes the initial site plan, one must come in for permission. The applicant came in for expansion of the parking lot, but not for the poles. Francesca noted the Power Company does not want to take down the poles. Chairman Gross noted this is a matter of sensitivity of lighting with the neighbors. The original site plan approval was not to be so high as to interfere with the neighbors. ZEO Jefferson noted the

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regulations only allow for 12' high lighting in the parking lot. Those poles are well above 25-30 feet. They would also need cutoff switches. Jefferson suggested maybe moving the lights down on the poles to 12'.

Vice Chairman Gross asked if the new addition in the back was part of this application as well. Mr. Harkin replied yes. That addition is to cover the coolers which were previously approved.

Mr. Harkin noted they have been working with everyone and everything is now on the site plan. Seating capacity was briefly discussed.

ZEO Jefferson noted they are now in compliance with Health, Building and Zoning.

Vice Chairman Gross noted if there are any changes in the future, those would have to come back before the Commission before anything is done.

Motion by Warren, second by Martin, to approve Application #321 Site Plan, LaForesta, 163 Route 81 – lighting, parking and storage shed – modification to existing approval- as presented. PASSED UNANIMOUSLY.

It was suggested maybe the Building Official might be of some assistance in getting the Power Company to remove the poles.

(b) #322 Special Exception, Michael Cassella, 157 Route 81 – Hot Dog Cart and Parking Expansion

Michael Harkin, Professional Engineer, introduced himself as the applicant's representative. Mike Cassella and his two children were present. Mr. Harkin reviewed the site plan. Mr. Cassella would like to put a display wall in the front, redo the parking area and have a small paved area with a couple of picnic tables. There would be 3 light posts, code compliant 12' high. A cut sheet was included in the application packet. Mr. Cassella will own and operate the food truck as part of his business. His children will operate the food truck as employees. No outside employees. It will be a family business. It was noted the Rustic Barn business was booming.

ZEO Jefferson noted this is not a vendor who will be taking away from other

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property owners in town. It's owner operated and will be run by the owner's children. This is being looked at like a food service shop. It's seasonal, maybe April through December. This has to be approved by the Health District and be looked at by the Health Director. Plans have been submitted to the Health Department. Bathrooms will be available from Premium Stone (also owned by Mr. Cassella).

It was noted this is a Special Exception and will require a Public Hearing. A Public Hearing was scheduled for April 4, 2017.

(c) #323 Running Brook Farms, 219 Route 80 – Extension of Accessory Use for Processing of Trees and Logs

Scott Papoosha (applicant) was present. Mr. Papoosha noted he was requesting a renewal of his permit for processing of branches, trees and logs.

ZEO Jefferson noted last year Mr. Papoosha was given site plan approval to start the process. One issue is the things the applicant said he would do last year have not been completed yet. Mr. Papoosha noted he was waiting on blocks from the concrete company.

Vice Chairman Gross reviewed the March 1, 2016 Commission Minutes. The prior approval was for 1000 yards, 4 bins on the west side and 4 bins on the south side across the street. Gross noted the Commission must satisfy itself that everything has been done from last year before renewing the application this year.

Vice Chairman Gross noted the Commission should schedule a site walk before granting an extension. A site walk was scheduled for March 4, 2017 at 10:00 AM. This will be on the March 7, 2017 Agenda for a vote.

8. Report of Officers and Subcommittees

Stephanie Warren noted there was nothing new to report. The data analysis for the POCD survey was ongoing. There had not been a River Cog Meeting.

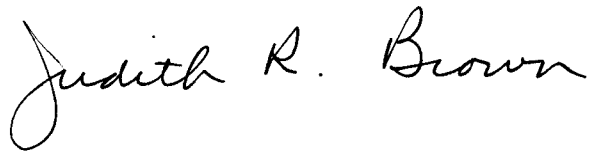
Reminder – anyone going to the CT Federation of Planning & Zoning Commissions needs to register by the March 1st deadline.

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9. Adjournment

There being no further business, the meeting adjourned at 8:05 PM.

Respectfully submitted,

A handwritten signature in cursive script that reads "Judith R. Brown". The signature is written in black ink on a white background.

Judith R. Brown, Recording Secretary

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