

**Minutes of Regular Meeting No. 1131 of the Killingworth Planning & Zoning Commission
Held Tuesday, January 17, 2017, at the Killingworth Town Office Building, 323 Route 81,
Killingworth, Connecticut
Page 1 of 6**

Present: T. Lentz, Chairman
D. Gross
S. Warren
P. McGuinness
T. Hogarty
R. Drew (seated for G. Cook)
A. Martin (non-seated alternate)

C. Jefferson, ZEO

1. Call to Order

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

2. Minutes of Regular Meeting No. 1130 Held December 20, 2016

Motion by Gross, second by McGuinness, to approve December 20, 2016 Minutes amended as follows -

Under 5. Old Business (a) Lot Line Change, 672 Route 81 – Fricks Pond LLC, 12th paragraph should be deleted and replaced with “David Gross indicated that Attorney Branse has said the Town has no liability, except maybe to defend itself. He noted there are many stakeholders in this issue, specifically DEEP and several adjacent lots whose access could be affected by the dam and the downstream effects of a problem with the dam. He said that this continues to be an ongoing problem and that if the Commission approves the application they may become a part of the problem and he is uncomfortable with that.” PASSED UNANIMOUSLY.

3. Visitors

(a) Attorney Tom Cronan – informal discussion re zoning options for the Pharmedica Building

Attorney Tom Cronan introduced himself noting he was present on behalf of M&M Realty, Gene Gargiulo for property in the Pharmedica Complex. He reviewed a site plan and history of the property for the last 20 years. He explained when Mr. Timmerman owned the property a piece was carved out for the Killingworth Cafe as they ran out of land for their septic system. Mr. Gargiulo purchased the whole complex from Mr. Timmerman along with a building lot on the easterly side.

Attorney Cronan noted he was trying to find out what kind of flexibility there might be for apartments. There currently is a limit on the number of apartments. Some time ago Attorney Jane Marsh did an informal presentation to develop the property as residential. It was noted the property could not be put together as one because the pieces are not contiguous.

Attorney Cronan noted this is a piece of property that can't be developed. He asked if there was some way to do something here. Mr. Gargiulo is between a rock and a hard place. It

**Minutes of Regular Meeting No. 1131 of the Killingworth Planning & Zoning Commission
Held Tuesday, January 17, 2017, at the Killingworth Town Office Building, 323 Route 81,
Killingworth, Connecticut
Page 2 of 6**

would not be his choice to go to the Zoning Board of Appeals.

Attorney Cronan noted his thought would be to loosen up the residential % in the regulations. His thought was to put the two pieces together not on a map, but tie them together by deeds. The idea would be to propose a regulation amendment that would permit an owner of 2 parcels to, by deed restriction that would run forever with the land, accomplish the same result as putting the 2 parcels together physically.

Attorney Cronan noted there is a building in the back half residential and a building in the front that is supposed to be commercial. He asked the Commission if they would be open to that type of approach. There are not a lot of takers in commercial use. Cronan further noted if this idea fails, he would go to ZBA unless P&Z would oppose it.

David Gross asked if this proposal was approved, what would be the next move for the property. Cronan noted he would put together a site plan for both properties tying them together and make it all or 75% residential.

Chairman Lentz noted the Commission did try to help the property owner out. A zone change was made for large parcels, large buildings. He rented those apartments and wanted to do the same thing with the lower floors. They did propose combining these until they found out they aren't contiguous.

Chairman Lentz noted under the existing regulation he can make the upper floors residential, but its too expensive to convert it. Lentz also noted he has never heard of this type of proposal and it would apply to the whole town if approved. ZEO Jefferson noted one has to look at the big picture.

Attorney Cronan asked if he came up with an approach to ZBA, would P&Z be so offended they would oppose it. ZEO Jefferson noted there really is no hardship. P&Z has opposed applications to ZBA in the past when there is no hardship.

ZEO Jefferson suggested maybe senior housing in conjunction with the State and Government funding.

David Gross noted the Commission liked the idea of mixed use. Chairman Lentz noted he didn't understand why Mr. Gargiulo can't get commercial use in that building. There can be commercial use that doesn't require roadside advertising.

Tom Hogarty asked if the goal was to get more apartments in the big white building in the

**Minutes of Regular Meeting No. 1131 of the Killingworth Planning & Zoning Commission
Held Tuesday, January 17, 2017, at the Killingworth Town Office Building, 323 Route 81,
Killingworth, Connecticut
Page 3 of 6**

back. Attorney Cronan replied yes. Hogarty felt the senior housing idea was a really good one. ZEO Jefferson suggested perhaps this could be done by overlay zoning. Attorney Cronan noted the overlay zone would also require a zoning amendment.

Chairman Lentz noted the Commission could not make a commitment one way or the other as far as ZBA at this point.

Attorney Cronan thanked the Commission for its time.

4. Communications and Bills

- (1) Invoice from ABCO for printing of Zoning Regulations, dated 1/7/17, in the amount of \$130.00.
- (2) ZBA Application of Craig McBurney for Variance for Side Yard Setback.
- (3) Christmas Card from Nathan L. Jacobson & Associates.
- (4) Letter from Jacobson & Associates (original) dated December 19, 2016 Re Old Coach Road, Road Acceptance.
- (5) Memo from Paul Hutcheon, Director of Health, dated January 10, 2017, Re 11 Burr Hill Road Resubdivision.
- (6) Memo from Paul Hutcheon, Director of Health, dated January 11, 2017, Re Site Plan Application #320.
- (7) Invoice from Branse & Willis, LLC, dated January 5, 2017, in the amount of \$777.00 for legal services.
- (8) Notice of Public Hearing from Chester Planning & Zoning Commission for January 12, 2017 Re Amendments to Zoning Regulations.
- (9) Letter from Shipman & Goodwin dated January 13, 2017 Re Text Amendments to Chester Zoning Regulations to amend Section 60A.2.
- (10) Certified Mail Receipt (green card) from Attorney John S. Bennet Re Fricks Pond LLC.
- (11) Letter from Town of Madison Department of Engineering Services dated January 2, 2017 Re Town of Madison and Town of Killingworth Early Notice of Potential Bridge Replacement Project.
- (12) Affidavit of Publication Notice of Decision Re Application #319 Lot Line Change, Fricks Pond LLC.
- (13) Planning & Zoning Budget As Of 1/3/17.
- (14) Application #319, Resubdivision of Land of Eric Auer, 11 Burr Hill Road.
- (15) Application #320, Site Plan, Glenna Franklin Beauty LLC, 184 Route 81, Building 2, Unit 3, Permanent Makeup.

**Minutes of Regular Meeting No. 1131 of the Killingworth Planning & Zoning Commission
Held Tuesday, January 17, 2017, at the Killingworth Town Office Building, 323 Route 81,
Killingworth, Connecticut
Page 4 of 6**

5. Old Business – none.

6. Zoning Enforcement Officer's Report

ZEO Cathie Jefferson reported on the following -

- Application before the ZBA is for a property with an existing garage and existing house. The house will be torn down. The garage will be renovated and turned into a residence. The survey shows the garage is 29.2' from the property line and therefore needs a variance as this is a change of use.
- Comcast is pursuing the purchase of property on Route 81 owned by Ted Machold.
- CT Bar Association is holding a Land Use Seminar on March 25th at Wesleyan. Anyone that wants to go should register.
- Permit log for December was distributed.

7. New Business

(a) #319 – Resubdivision of Land of Eric Auer, 11 Burr Hill Road, Map 12, Lot 11
Roger Nemergut was present representing the applicant for Resubdivision of Land of Eric Auer, 11 Burr Hill Road. The property has 9 acres with an existing house. They would like to split off an additional lot. Nemergut noted in 2013, they showed the Commission what a short subdivision road would look like (50' R.O.W., 20' lane width) with an elongated turnaround. The location of the resubdivision was reviewed. He also noted when this becomes a Town road, the State won't need their easement to get to their property. There would be 2 lots. Lot 1, the house lot would have 4.7 acres and Lot 2, potential house lot, would have 3.9 acres. Frontage was reviewed. It was noted a road is required because the property lacks proper frontage for 2 lots. ZEO Jefferson noted the Town Engineer was given a set of plans on January 9th. Wetlands and the Director of Health have already approved it. Chairman Lentz read into the record the letter dated January 10, 2017 from Paul Hutcheon, Director of Health. The Town Engineer's report is still pending.

A public hearing was scheduled for Tuesday, February 21, 2017.

It was noted there are 2 waiver requests, one regarding Stormwater Management Plan Section 485-56.2C(20) and the second one regarding Road Profile Section 480-9D.(2). It was further noted the Wetlands Agency agreed not to have any disturbance for stormwater management on a lot this small. With regard to the Road Profile, the existing grade equals the proposed grade.

Chairman Lentz noted he would like the Town Engineer's opinion on the two waivers.

This will be on the February 7th Agenda to vote on the waivers.

(b) #320 – Site Plan Application, Glenna Franklin Beauty LLC, 184 Route 81,
Building 2, Unit 3, Permanent Makeup

**Minutes of Regular Meeting No. 1131 of the Killingworth Planning & Zoning Commission
Held Tuesday, January 17, 2017, at the Killingworth Town Office Building, 323 Route 81,
Killingworth, Connecticut
Page 5 of 6**

ZEO Jefferson noted because this falls under the Beauty Regulations, it requires a site plan review from the Commission. With a hair dressing salon, the Commission would want comment from the Health Department.

Glenna Franklin noted this is permanent makeup. No water and no nails, semi-permanent makeup. It will be going into Building 2, Unit 3.

Chairman Lentz read into the record the letter from Paul Hutcheon, Director of Health, dated January 11, 2017 approving Site Plan Application #320. Beauty services would include make-up, lashes & extensions and semi-permanent makeup. One employee with approximately 4-5 customers per day on an appointment basis. No hair dressing or nail service would be provided. The application is not considered a 19-13-B100a as there is no change in use/increase in sewage flow compared to what was originally approved for the building. This would be considered a tattoo establishment under CT General Statutes Chapter 387a. The applicant is a licensed Tattoo Technician by the CT Department of Public Health.

Glenna Franklin noted she has an existing business in Clinton for 3 years and wanted to expand. That business has increased 306% in the last 2 years.

ZEO Jefferson noted any sign would have to be applied for and put on the Directory Sign on the side of the building.

Motion by Gross, second by Hogarty, to approve Application #320 Site Plan Application, Glenna Franklin Beauty LLC as submitted. PASSED UNANIMOUSLY.

8. Report of Officers and Subcommittees

Stephanie Warren reported on the following -

- The Regional Planning Commission held a meeting. They are working on consolidating information going into the Regional POCD. It is each town's responsibility to review this information to see if it pertains to the town.
- The Town survey will be coming down from the website. The hard copy box submittals will be closed off as well. There are over 600 surveys, 380 from online and hard copies still coming in.
- She met with the Killingworth Seniors Club last Monday. They don't have any particular concerns about the survey or the Town POCD. This is a small but active group. The demographics in Killingworth is getting older. The % of people over the age of 65 in Killingworth has increased to 18%. This becomes concerning when younger families are not looking to move into this area. Except for Jensen's, there is no

**Minutes of Regular Meeting No. 1131 of the Killingworth Planning & Zoning Commission
Held Tuesday, January 17, 2017, at the Killingworth Town Office Building, 323 Route 81,
Killingworth, Connecticut
Page 6 of 6**

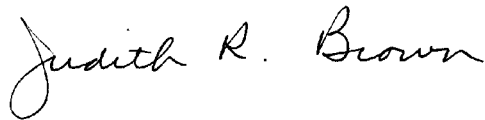
identified low income senior housing. The group was concerned about transportation and other things not having to do with Planning & Zoning. They asked to see the data when collected.

- Torrance Downes has indicated the hard copy data can be inserted into the survey monkey data. Warren noted compiling the data will take awhile.

9. Adjournment

There being no further business, the meeting adjourned at 8:10 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 Mark Branse, Esq., Comm. Attorney