

Minutes of Regular Meeting No. 1134 of the Killingworth Planning & Zoning Commission Held Tuesday, March 7, 2017, at the Killingworth Town Office Building, 323 Route 81, Killingworth, Connecticut

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

1. Call to Order

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

2. Minutes of Regular Meeting No. 1133 Held February 21, 2017

**Motion by Gross, second by Warren, to approve February 21, 2017 Minutes as written.
PASSED UNANIMOUSLY.**

3. Visitors

(a) First Selectwoman Cathy lino – discussion of possible economic development training session – no discussion, First Selectwoman lino was at another meeting.

(b) Visitors included Mike and Holly Melillo and Sarah Jennings.

Mike Melillo noted he has a situation of being on a shared driveway with one neighbor conducting a business without permits (retail, manufacturing, repair business). He explained there is a regular volume of traffic coming to his house because of several factors. The driveway is very long and services 4 homes. They are #36 about 1000' back. All traffic passes by his house going to #40 which is the business. ZEO Jefferson noted a Cease & Desist Order has been issued regarding the business. They are also not sure which building is the one that was constructed without permits. The Building Official has visited the site and a Cease & Desist Order was issued. The property owner can come in and apply for permits for the barn as well as a customary home occupation as long as it meets the regulations. Mr. Melillo felt a common driveway should be treated different when involving a customary home occupation. ZEO Jefferson noted if the property owner applies for a customary home occupation, it should be turned down because its on a common driveway. That person will then probably appeal any decision and it will

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end up in Court. She also noted there is some history with this neighbor due to maintenance on the driveway. Mr. Melillo noted he had 11 cars come to his house on Sunday. He was also concerned with further degradation of the driveway and impairment of enjoyment and value of his property. Chairman Lentz noted the first step is the Cease & Desist Order. It was issued end of February and returned by the Post Office. It will now be delivered by the Resident Trooper. If a home occupation is applied for, it will be judged accordingly and the Melillo's might want to be present for that discussion. Mr. Melillo further noted this business was moved from a commercial facility of 5000 square feet. David Gross asked what the best way was for Mr. Melillo to put on record his negative impacts. Chairman Lentz noted the Melillo's should send a letter to the Commission. Mrs. Melillo noted this is a safety issue for our children. Mr. Melillo noted a viable solution might be for us to put in our own driveway or for them to put in their own driveway.

Sarah Jennings noted she would like to change the livestock regulations to include swine along with the other livestock. Chairman Lentz noted they are treated differently because of the odor. Ms. Jennings noted all manures smell and doesn't understand why swine is separate. ZEO Jefferson suggested Ms. Jennings meet with the Regional Ag Council in Essex. Walter Adametz, Chairman of the Council, lives in Killingworth. The Council might be a good source of information on history from other towns. Chairman Lentz noted there should be more research on this first and the Regional Ag Council would be a good place to start.

4. Communications and Bills

(1) Site Plan Application #324, 157 Route 81, Mike Cassella – amendment to existing application #277.

(2) Letter from Cathie S. Jefferson to Catherine Benton, dated 2/23/17, Re Illegal Apartment.

(3) Original letter from Jacobson & Associates dated February 21, 2017 Re Auer Subdivision, 11 Burr Hill Road.

(4) Invoice from CT Federation of Planning & Zoning Agencies for dues through March

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2018 in the amount of \$110.00.

(5) Statement from Branse & Willis, LLC dated March 2, 2017, no balance.

(6) Notice from Rockfall Foundation Symposium on March 31st on Water.

(7) Notice on CERC Municipal Training Session Re Economic Development.

(8) Copy of Planning & Zoning Budget as of 3/1/17. Chairman Lentz noted Professional Development needs more money.

5. Old Business

(a) #322 Special Exception, Michael Cassella, 157 Route 81 – Hot Dog Cart and Parking Expansion – public hearing scheduled for April 4, 2017

Michael Harkin, Professional Engineer, noted there was nothing new relative to this application. It has been scheduled for a public hearing on April 4, 2017. He has received information back from the Health Director regarding the water hook up and septic. ZEO Jefferson asked if it might be worthwhile to withdraw and resubmit. Mr. Harkin felt they would have something for the 4th, but he would check with the applicant.

Chairman Lentz reminded Mr. Harkin this has to be something without walls. It needs to be a food service shop. Mr. Harkin noted Mr. Cassella was going to make it like a shed. Harkin further noted they still need to discuss things with local as well as State Health Departments. He was advised by the Health Department that as soon as you hook up water, you need a separate septic system. Hopefully they will have something for the 4th.

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

Chairman Lentz noted there was a sitewalk on Saturday to see if the applicant had complied with the previous permit and basically he had. There was discussion as to what goes into which bins. Scott Papoosha noted they grind up the brush and its then chips. The mulch goes into the west end bins. Paul McGuinness noted the plan should be revised to show the correct size and number of bins. Mr. Papoosha noted the size was changed because the original 10' was too high and unstable.

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Chairman Lentz noted the logs coming in will go in the back. He urged the applicant to keep the property looking as neat as possible in order to build goodwill with the public and the Commission. Paul McGuinness added that if there is overflow, that should be kept in the back as well.

Motion by Warren, second by Gross, to approve #323 Running Brook Farms, 219 Route 80 – Extension of Accessory Use for Processing of Trees and Logs for one year renewal with the condition that a revised plan be submitted to reflect actual size and number of bins. PASSED UNANIMOUSLY.

6. Zoning Enforcement Officer's Report

ZEO Jefferson noted she was contacted by the property owner at 15 Goldfield who indicated none of the motor vehicle junk was his. His son has bought property in Maine and will be moving all of it up there. Jefferson will be meeting with the property owner next week or so. Everything should be cleaned up by the end of the month. As a side note, the Statute now says the vehicles have to be road ready as well as registered.

Permit Log for February was distributed.

7. New Business

(a) Site Plan Application #324, 157 Route 81 – amendment to existing application #277, Mike Cassella

Michael Harkin, Professional Engineer, introduced himself as the applicant's representative. He noted this plan had everything on it as the #322 application, except for the hot dog cart. Mr. Cassella would like to get started on the parking lot and has separated the applications. He is proposing a grass area and additional gravel parking area with a decorative wall in front of the property. There will be 3 commercial post lights which meet all requirements in the regulations relative to cut off. He will be adding a couple parking spaces, the wall, increase the granite curbing and 3 post lights. The wall is a product of his business and is 2' high and 3' wide. It will be about 40' back from the curb. The wall will not obstruct any sightline or vision. Mr. Harkin further noted they have been trying to get the State to look at that intersection. It was noted up to 40% of the lot area can be impervious surfaces. **Motion by Gross, second by Martin, to**

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approve Site Plan #324 as presented. PASSED UNANIMOUSLY.

8. Report of Officers and Subcommittees

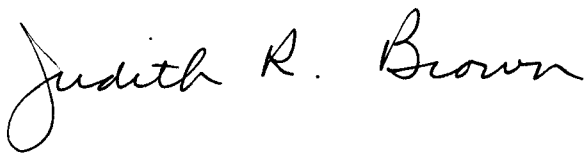
Stephanie Warren noted the RiverCog intern that was doing the data entry from the survey has gone back to Graduate School. Torrance Downes has indicated he will complete the data entry.

Paul McGuinness gave a brief update on the County Road Bridge Project. The Town of Madison is taking the lead on the project which will be designed this year. Construction will be next year. It is not a heavily used road.

9. Adjournment

There being no further business, the meeting adjourned at 8:00 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, ZEO	Mark Branse, Esq., Commission Attorney
		Joseph Dillon, Town Engineer