

Present: T. Lentz, Chairman
D. Gross
G. Cook
P. McGuinness
T. Hogarty
B. McLaughlin
J. Gay (seated for McGuinness until his arrival)
A. Martin (non-seated alternate)
R. Drew (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. 1158 Held May 1, 2018

Motion by Gross, second by McLaughlin, to approve May 1, 2018 Minutes amended as follows:

Under 5.(a), Special Exception #334 – 3rd paragraph, replace 1st sentence with the following and delete 2nd sentence, “David Gross noted if the back building is 100% residential then the front building might go that way too.”

Under 5.(a), Special Exception #334 – 8th paragraph, replace 1st sentence with, “David Gross noted his concern was there are regulations the Commission is supposed to go by and the Applicant has found ways to get around them by virtue of the Affordable Housing Statute.”
PASSED UNANIMOUSLY.

3. Visitors

Chris Salafia from Lavender Farm was present. He noted things have gone famously well and they were actually named top attraction in Connecticut last year. They had a terrific opening weekend. He indicated he had 3 things to bring up. 1) Educational Tours – they did a whole bunch of walking tours. They have procured an electric train that hold 18 people. This falls under their original application. 2) In their application, they referenced food service. They would like to do a shed in the main lavender field to serve lavender lemonade and baked scones, sugar cookies, etc. It would be a separate building. There would be no baking or cooking. Everything would be pre-packaged. Some people travel 3 to 4 hours to get to the farm. They would like a couple bistro tables for people to sit in the shade. 3) They were also thinking of paddle boat rides in the pond. This was not referenced in the original application. He wanted to run this by the Commission before spending money on it. It would most likely be a 20 minute paddle boat ride around the pond.

Mr. Salafia noted local businesses are also benefiting from the Lavender Farm.

Chairman Lentz suggested Mr. Salafia write this up and come to a meeting. This would probably

be an amendment. ZEO Jefferson noted for a building, it would probably be an application. Lentz recommended Mr. Salafia work with Ms. Jefferson and bring something to the Commission.

4. Communications and Bills

(1) Letter from J. H. Torrance Downes, Senior Planner, Lower Connecticut River Valley Council of Governments, dated May 3, 2018 Re Review of Draft Plan of Conservation and Development.

(2) Letter from Paul Hutcheon, Director of Health, dated May 15, 2018 (updated), Re Site Plan Application #337.

(3) Letter from Cathie Jefferson to Lawrence Brown, dated 5/4/18, Re Beaver Dam and Buell Hill Roads.

5. Old Business

(a) #337 Affordable Housing Application, M&M Realty Holdings, 257 Route 80
Attorney Amy Blume introduced herself as representative for M&M Realty Holdings along with Gene Gargiulo. She explained this was a site plan application with Affordable Housing involved for an existing building located at 257 Route 80. This would make the entire building Affordable. There is a total of 16 one bedroom units of which 5 units will be Affordable. Three of the five will be Affordable for rent at 60% of the median income and two units at 80% of the median income. Eleven units will be at market rent and five units at affordable rent. The market rent would be \$906.00 per month at 60% and \$1,125 per month at 80%. There will be an affordable unit on each floor and every unit has the same features in it. The Affordable is for teachers and other people who live in this Town and can rent a one bedroom apartment. Its not low income, its affordable.

Pat Benjamin, Engineering Consultant with an office in Durham, introduced himself. He noted the property is in the Large Business Commercial Zone and has 1.52 acres. The top two floors were converted to apartments years ago. There are 78 parking spaces. Fire Protection was installed for the entire building. He indicated they did an analysis for the septic system. The system is oversized. Two apartments on the first floor and one on the second floor will go to the new system. The rest of the apartments will go to the existing system. A new system will have to be installed for the 3 apartments. Existing lighting and landscaping was reviewed. Existing flood lights in the parking lot will be replaced with an LED 100 watt standard metal pole full cut off. Mr. Benjamin noted the site was constructed according to the original Special Permit that was approved. All handicap parking requirements have been met.

Chairman Lentz asked Commission Attorney Branse to speak on Affordable Housing. Attorney Branse noted this is the first time this Commission has seen one of these under Connecticut General Statute 8-30g. One of the big challenges facing Connecticut is the lack of Affordable Housing. Connecticut found there was a gap between public and subsidized housing. He reviewed median income and deed restricted units. Someone has to qualify to monitor this housing and be

sure people don't exceed the cap. Attorney Branse further noted no zoning or subdivision regulations apply to this.

Attorney Branse indicated the only basis for denial is substantial adverse impact on Health, Safety or other matters such as Coastal Area Act, Public Watershed, etc. Whatever the adverse impact would be, it cannot be cured by a condition of approval. If you can fix it with a condition, you must. From the Commission's standpoint, the State law is written in such a way there should be a really good reason to deny.

Attorney Branse noted Industrial Zones are exempt if it does not allow any residential use. This Industrial Zone allows residential uses so it doesn't qualify for exemption.

Attorney Branse noted if the Town gets 2% progress toward a 10% goal, it will get a 4 year moratorium from these types of applications. He indicated mobile home parks count towards the 10%. They are currently looking at this, but for now, the Town is subject to the Affordable Housing Act.

Brice McLaughlin asked what happens if an individual qualifies for Affordable Housing and then has an income change. Attorney Branse noted once they qualify, they can remain.

Attorney Blume noted the current leases are one year, not long term. While the units are designated in the plan to start with, it may change over time as to which units are affordable, but they must adhere to the five affordable units.

Attorney Branse noted all the affordable units cannot be on the same floor. ZEO Jefferson noted the Administrator is the person who keeps track of that and oversees who is in what apartment.

Attorney Blume noted they designated the developer as the Administrator. Its only five units to keep track of. Mr. Gargiulo has office staff capable of doing this and going through the guidelines for qualifying people. Chairman Lentz noted the Town has a Killingworth Housing Authority and felt they would be better suited to do doing this. Attorney Blume noted that was okay with them. It was noted violating the Affordability Plan is a Zoning violation. The ZEO is authorized to check on the requirements and records to be sure everything is rented accordingly. The Administrator is allowed to charge an application fee. Branse noted the cost of the Authority is to be deducted from the monthly rent.

First Selectwoman Iino noted the Board of Selectmen is the Housing Authority in Killingworth. Iino asked if there was any oversight by the State. Branse replied no State oversight. Attorney Blume noted the Administrator has to submit an annual report to the Town on compliance with the Affirmative Marketing Plan. Iino asked if there were more applicants than units, are there specific guidelines on how to choose. Branse replied no. He also noted if the Housing Authority wants to

subcontract this out to a private administrator, it can. The only advantage for the Housing Authority to do it is it would have control over it. Other towns don't want to do it. They would rather have the developer do it. Mr. Gargiulo noted its not very hard to do. First Selectwoman Iino noted she would have to take this to the Board of Selectmen to decide if they want to take this on. Chairman Lentz felt the Housing Authority could be appointed Administrator because they do exist. ZEO Jefferson noted if the BOS decide not to take it on, it would fall back to the developer.

Advertising requirements for Affordable Housing were reviewed.

Rob Drew asked what happens when someone lives there and their income exceeds the limit. Attorney Branse noted they can remain as long as they started out under Affordable Housing. Also, when the lease expires they can switch to another unit. Branse also noted the renter has to submit income information each time their lease comes up.

Joan Gay asked if the Administrator had to be appointed tonight. The Housing Authority can be appointed because they exist and if they decide they don't want to do it, then the developer can take it over.

First Selectwoman Iino asked if the Housing Authority takes on the Administrator job and assigns a discretionary cost, is it passed along to the landlord and added to the rent. Branse noted whatever costs of processing would have to be reflected in the rent. Attorney Blume noted she didn't think an Administrator's fee could be forced on the developer. If the Housing Authority does it, that is their choice to take it on. Branse noted if there is a cost for administration, that is something the tenant pays. Chairman Lentz asked if these details can be worked out later. Tom Hogarty asked why the applicant can't just write a check for \$100 to the Housing Authority. That would have to be done every time the lease renews.

Motion by McGuinness, second by Cook, that the Killingworth Planning & Zoning Commission approve Site Plan Application #337 for an Affordable Housing Development for M&M Realty Holdings, property at 257 Route 80, as depicted on the plans submitted, except as conditioned or modified by this Motion:

- 1. The final Affordability Plan will be subject to the review and approval of the Commission's attorney prior to filing in the land records.**
- 2. The applicant shall reimburse the Town of Killingworth for any unpaid legal fees incurred in the review of this application and the implementation of this approval.**
- 3. Compliance with all conditions set forth in the letter of Paul Hutcheon, Director of Health, as updated May 15, 2018.**
- 4. The Administrator of the Affordability Plan shall be the Killingworth Housing Authority in lieu of the applicant. In the event that the Killingworth Housing Authority is unwilling to accept this obligation, the Commission shall designate a qualified third-party administrator or the applicant, at its discretion. Regardless of the administrator selected,**

annual reports shall be submitted to the Zoning Enforcement Officer to demonstrate compliance with the terms of the Affordability Plan. Any application fee required shall be deemed a cost of rental of the affordable unit. Brief discussion followed. It was noted there isn't a lot of discretion here. This now makes that area 75% residential and 25% commercial. That could have an adverse effect in the future on the ability to attract commercial use and the tax base. First Selectwoman Iino asked what happens if no qualified renters come forward. Mr. Gargiulo noted most of the people in there are already qualified.
PASSED UNANIMOUSLY.

6. New Business – none.

7. Zoning Enforcement Officer's Report

ZEO Jefferson noted she sent a letter to Larry Brown last week, haven't heard back from him. The Tax Collector said they had been putting liens on his property and discovered the Commission already had liens. The Commission has liens on two of the four lots and he hasn't paid his taxes. The Town placed liens on the other two lots. Jefferson noted the Commission has to wait til September, but between the four lots there should be plenty to do the roads and the rest will go to the Town for taxes. Jefferson noted 14 years is the end all cut off time for subdivisions. They have up until that time to complete the public improvements. Chairman Lentz noted the subdivision is expiring. Jefferson noted its in the Town's best interest to sell those lots and finish the road. She indicated originally there was a bond, but after 14 years there wasn't enough value in the property so the bank didn't renew the bond. Lentz noted it really wouldn't help to expire the subdivision.

8. Report of Officers and Subcommittees

(a) Town Plan of Conservation & Development

Chairman Lentz noted the Commission should decide when to have the public hearing. ZEO Jefferson will follow up with finalizing the maps so they can be approved.

9. Adjournment

There being no further business, the meeting adjourned at 8:15 PM.

Respectfully submitted,



Judith R. Brown, Recording Secretary

cc: Town Clerk Conservation Commission
Board of Selectmen Inland Wetlands & Watercourses Com.

Minutes of Regular Meeting No. 1159 of the Killingworth Planning & Zoning Commission Held
Tuesday, May 15, 2018, at the Killingworth Town Office Building, 323 Route 81, Killingworth,
Connecticut
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Commission Members
C. Jefferson, ZEO

Public Works
Mark Branse, Esq., Commission Attorney
Joseph Dillon, Town Engineer