

**Minutes of Killingworth Planning & Zoning Commission Regular Meeting Held Tuesday,  
February 15, 2022 by Go-To-Meeting  
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**Planning and Zoning 02 15 2022**

Tue, Feb 15, 2022 7:00 PM - 9:00 PM (EST)

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**1. Call to Order**

Chairman Lentz called the meeting to order at 7:08 PM. Members in attendance and seated were Thomas Lentz, Tom Hogarty (arrived at 7:35 PM), Greg Cook, Brice McLaughlin, William Tobelman, Mike Drew (seated alternate), Alec Martin (seated alternate, arrived at 7:30 PM) and Stephanie Warren (seated alternate). ZEO Tom Talbot (arrived at 7:15 PM) was also present.

**2. Minutes of January 18, 2022**

**Motion by McLaughlin, second by Cook, to approve January 18, 2022 Minutes amended by adding Becky Goetsch as present for Running Brook Farms discussion. PASSED UNANIMOUSLY.**

**3. Visitors**

Jason Howey and Don Venuti were present. Mr. Howey noted he was at a meeting last month with Don, the First Selectman and Tom Hogarty about issue of subdivision and requirement that I would not be able to get a C.O. without fire protection being installed. There were several mishaps that developed over time. We had talked about amending the plan to have a monitoring system in lieu of the fire protection tank. Chairman Lentz noted the way to resolve it is for you to get a revised fire plan to the Zoning Commission. Mr. Howey noted this is an approved building lot and the subdivision was approved October 7<sup>th</sup>. No bond was put in place. No lots have been installed without tanks being installed. Existing house was sold in 2017. This is supposed to have a 30,000 gallon tank. Other lots reviewed that already have been sold. Those lots should never have been sold without tanks installed. They would like the Commission to review plan to remove tank requirement and have a monitoring service in lieu of the fire protection tank (letter dated January 26<sup>th</sup>). Bill Johnson noted the fire tank is the responsibility of the developer who is now long gone.

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The lots should not have been offered for sale and no building permits should have been issued before tank installation. The Fire Chief needs to agree that a fire monitoring plan would be okay with the town. Lentz asked that the revised fire protection plan approved by the Fire Department be sent to the Commission. The Fire Department should send the Commission a letter stating they have approved the plan. Don Venuti noted they had agreed with the fire monitoring service. Bill Johnson noted it should like the Town develops the plan. Both Lentz and Talbot said no. Johnson noted they will ask the Fire Department to send a letter to the Town allowing the Town to develop a plan which is the Town's responsibility. Lentz replied no, the Town does not do the plan. Jason indicated there was nothing in the paperwork that shows it is his responsibility to install the tank. Lentz noted if it's on an approved plan, than its your responsibility. Talbot noted there is a difference between a condition and an element of the plan. It's shown on the plan because it is part of the plan. The tank is an element of the plan approval. Bill Johnson noted the Fire Department was comfortable with the central monitoring system (but does not design the system).

Talbot noted no motion is necessary. The only part of this that concerns me procedurally is having the Town do things. Don't know how that happens. They have to come up with a plan and it needs to be approved by the Fire Department.

Bill Johnson noted lots were sold, permits issued by the Building Department. All these things were the responsibility of the Town.

Lentz noted the Fire Protection Plan goes to the Fire Department for approval and they notify Planning & Zoning. Planning & Zoning does not approve any subdivision unless it has an approved Fire Protection Plan. You should hire someone to design and revise the Fire Protection Plan. If the Fire Department approves it, then Planning & Zoning will act on it. Johnson will work on developing a plan. Take it to the Fire Department and when approved, come back to Planning & Zoning.

Don Venuti noted he, Nancy Gorski, Chief Bauer met with Tom Hogarty and Jason. It was agreed for him to get a C.O., a monitoring system in his house would suffice. The Chief then showed a plan for a fire tank. The fire monitoring system is an interim step while fire tank is being installed.

Lentz noted a revised plan needs to be submitted to the Fire Department. It will have to be resolved after that who is going to pay for the tank. It was noted Attorney Mark Branse has indicated State law no longer allows a bond for improvements.

It was noted the original owners of this land should be paying for this tank. The fire tank isn't on the plan we have dated October 7, 2014. Talbot noted it's on the plan he saw. The Town shouldn't have issued building permits. Johnson noted if the lot had not

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been sold, we wouldn't be sitting here now. He indicated they would submit a plan for the central monitoring system.

Lentz agreed we should get the two lawyers involved to review this matter and bring it to a conclusion. He agreed this is unfortunate. Do a revised central monitoring system plan and we'll decide how to proceed going forward. He also noted the Commission attorney should be at the next meeting.

4. Communications and Bills – none.
5. Old Business – none.
6. New Business – none.
7. Zoning Enforcement Officer's Report – none.

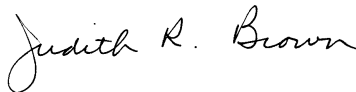
8. Report of Officers and Subcommittees

ZEO Talbot noted there is a CT Planning & Zoning Agencies meeting in March. There is a meeting tomorrow night regarding housing. The RiverCog Alternative Housing Plan for Killingworth is on ZOOM at 7:00 PM, Killingworth specifically. It was noted with regard to the fire tank that it could go to Court and remanded back to ZBA. ZEO Talbot noted the ZBA has no approval for Subdivision Regulations. Don Venuti noted the monitoring system is interim until the tank is installed.

9. Adjournment

There being no further business, the meeting adjourned at 8:03 PM.

Respectfully submitted,



Judith R. Brown, Recording Secretary