

Minutes of Regular No. 1208 Planning and Zoning Meeting

Tue, Apr 19, 2022 7:00 PM - 9:00 PM (EDT)

Page 1 of 4

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MEETING AGENDA

1. Call to Order

Chairman Lentz called the meeting to order at 7:00 PM. Members in attendance and seated were Lentz, Hogarty, McGuinness, Tobelman, Warren (seated for Cook) and Martin (seated for McLaughlin until his arrival). Both McLaughlin and ZEO Talbot arrived during the meeting.

2. Minutes of Regular Meeting March 15, 2022

Motion by Hogarty, second by Martin, to approve March 15, 2022 Minutes approved amended as follows – delete Martin abstained. Unanimously Approved.

3. Visitors

a. Nemergut/Chatfield Hollow Farm

Roger Nemergut and Ken Metz were present. Mr. Nemergut introduced Mr. Metz from Chatfield Hollow Farm on Fire Tower Road. He explained for the last 10 years they have operated an agritourism site and have received numerous Special Exception approvals from Planning & Zoning for agricultural tours, events, weddings, etc. They have a good 10 year track record of not having any issues. They would like to run this idea by the Commission to see if they are receptive to it. The idea is to modify the Zoning Regulations to allow small mini cabins to be put on site and rented out to either 2 or 4 persons up to 7 nights. They have looked at a company called Get Away but are not in any way connected with that operation. The cabins would be less than 200 square feet. These would be primarily people from the city who would come for a couple of days to relax. This is a need proven from other entities. Maybe a half dozen on this site to accommodate 2 to 4 people and the cabins are generally 8' x 20'. There would be a bathroom, shower and kitchenette. It would be restricted in terms of the time they can be rented. Most people from the city want to get away for 2 or 3 nights. There is a very large demand for this. Units would be rented year round with 70% occupancy rental rate even in the winter. 100% in the warmer time. The concern is how do we prevent this from being abused and turning into low income rentals. This should be approved for sites that are agritourism. The current regulations don't allow for this. Mr. Metz is interested and would like to get a feeling if the Commission would be interested. Metz noted the trend in the market is an immerse experience in nature, its surroundings and we are hoping to broaden our client

Minutes of Regular No. 1208 Planning and Zoning Meeting

Tue, Apr 19, 2022 7:00 PM - 9:00 PM (EDT)

Page 2 of 4

abase to do retreats similar to Chester Inn. Maybe yoga, hiking, etc. We would like to retire in Killingworth and need to be able to sustain our property. We bring a lot of people in from different areas. There has been a huge drop in the last 3 years from Covid. There is only 3 rooms in the Inn and we want to invest back into the property and be good for the town. We live on the property and not looking to do short term rentals. We need to make the Inn profitable. The farm is doing well. Roger noted the closest one we know of in the area is in East Haddam.

Lentz noted this might be possible as a part of the agritourism regulations and would be tied to size of the property much like a B&B except in separate buildings.

Warren asked if there were 6 separate buildings, how would you manage bathrooms facilities, septic and traffic. Nemergut noted each unit would have a bathroom and separate septic system serving each cabin. Metz noted traffic can be controlled. That will not be an issue. There will be restrictions for parties. We would like to retire and relax. When there are weddings, things are done by 10:30 PM. We would not encourage groups of friends.

Nemergut noted the whole premise is to get away to relax. The Get Away Company has no TV, no wifi and lock boxes for cell phones. In East Haddam there is a benefit for patronizing local shops, etc. Possible groups might be a health experience, not a party experience.

Lentz asked if the Commission would consider these. Martin asked the size of the property. The response was 26-30 acres. Nemergut noted it is set back from the road and surrounded by forest and other property that would not be developed.

Hogarty noted this has been a tremendous asset to the community and first rate. He indicated he would be in favor of looking at it and considering to move forward with it. Other members agreed. Lentz suggested Roger submit a sample regulation which would be part of the agritourism regulation. He agreed to submit a draft. Lentz noted at this time the Commission can address some of the specifics such as traffic, etc. The Commission will wait until a draft is submitted.

4. Communications and Bills

a. Land Use Training Guidelines

Warren noted these Guidelines were attached to the Chatfield Hollow Farm application. Lentz noted the Commission should take a look at these.

b. CT Water Company/Land Divestiture

ZEO Talbot noted this was a notice required by Statute of the CWC's intention to divest some of its land owned in the Town of Killingworth. The land would go to the Killingworth Land Trust.

Minutes of Regular No. 1208 Planning and Zoning Meeting

Tue, Apr 19, 2022 7:00 PM - 9:00 PM (EDT)

Page 3 of 4

c. Cannabis Licensing/Regulation

ZEO Talbot noted he sent members more information after the last meeting outlining how the process works and what the Commission's role is in the process. It comes down to regulations, moratorium, etc. By statute, each community is entitled to one possible cultivator or retailer. He reviewed State licensing. Lentz noted he reviewed the material sent out. One principal of zoning is if it's not in the regulations, it's not permitted. However, in the State Statute if a municipality chooses not to address cannabis establishments in the Zoning Regulations, the new law states that cannabis establishments shall be permitted as if they were any other similar use in any zone. The intent is that existing zoning for similar uses, for example liquor stores, would apply to cannabis establishments. It means we need either a regulation or a moratorium. Attorney Branse sent a sample moratorium regulation. Lentz suggested doing a moratorium and the Commission can then prepare its own regulation. Warren noted there is an article in the Harbor News suggesting just that. Lentz will email everyone a copy of the moratorium to everyone for discussion at the next meeting.

Warren noted Running Brook has a sign out, coffee, tea, and cbd. Do they have health approval for the café. Talbot noted it's his understanding they recently got approval from the Health Dept. There was discussion regarding whether a moratorium would require a public hearing. Talbot replied yes as it's part of the regulations.

5. Old Business - None

6. Zoning Enforcement Officer's Report

ZEO Talbot noted he is in the process of sending a letter to Running Brook Farms having to do with the pile that is still there. There are a number of conditions on the approved plans that they are not complying with. This will need to be discussed further. Runoff is interfering with the pond on Patrick Lane. Lentz suggested sending the letter as soon as possible.

7. New Business

a. Site Plan/Steinhardt/Boarding Stable/90 Route 80 #369

Nemergut noted John Steinhardt was present and wished to purchase Whitewood Farm at 90 Route 80. He would like to continue the same operation that has been conducted there for the last 30 years. It is a 17 stall horse boarding stable with training lessons. They are not, however, asking for the training lessons. The boarding stable is a site plan review, not a Special Exception. This operation originally started as a home occupation.

Nemergut noted this property is 18 acres with a 10 stall barn and a 7 stall barn. It is soil based zoning which can support 27 stalls. There is sufficient parking with a waste management plan. The site exceeds all requirements. The Steinhardts may come back to the Commission later for training. The seller and buyer would like to close and then decide after about training.

Minutes of Regular No. 1208 Planning and Zoning Meeting

Tue, Apr 19, 2022 7:00 PM - 9:00 PM (EDT)

Page 4 of 4

Lentz noted this is a permitted use by site plan approval. Talbot noted this is within the regulations. **Motion by McLaughlin, second by Hogarty, to approve site plan application. Unanimously Approved.**

b. Lot Line Revision/Hutchins/362 and 370 Route 148 #370

Chairman Lentz noted a revised plan was sent out today showing land being taken from an adjacent lot B 370 Route 148 and being added to lot A 362 Route 148. New lot line was reviewed. ZEO Talbot noted the revised plan today shows a future barn location on the area being transferred that is not the subject of this application. The future barn should not be on this map and should be removed on the mylar. It is not relevant to this lot line revision.

Motion by Hogarty, second by McLaughlin, to approve lot line revision provided the future barn location is removed from the mylar. Unanimously approved.

8. Report of Officers and Subcommittees

Hogarty reminded everyone there is an Alternative Housing Committee meeting tomorrow at 7:00 PM. He encouraged everyone to attend. A decision has to be made by the Town as to who will approve it and it will become part of the Town's Plan.

9. Adjournment

There being no further business, the meeting adjourned at 7:57 PM.

Respectfully submitted,



Judith R. Brown, Recording Secretary