

Minutes of Public Hearing and Regular Meeting no. 12123 of the Killingworth Planning & Zoning Commission Held on Tuesday, June 20, 2023, at 7:00 PM by Go-To-Meeting

Commission members in attendance and seated for both the public hearing and regular meeting were Lentz, Hogarty, Cook, McGuinness, Tobelman and Martin (seated for McLaughlin). Warren was also present but not seated.

Others present included Katie Eannotti, Leo Bombalicki, Joe Velardi, Paul Vitaliano, Michelle Cumpstone, CLP, Bob Doane and Jason Brown.

PUBLIC HEARING-

Public Hearing was called to order at 7:00 PM. Secretary McGuinness read the Notice of Public Hearing into the record. Said Notice was published in the Hartford Courant on June 7 and 14, 2023.

Amend Killingworth Zoning Regulations, Moratorium on Cannabis retailing expires on July 1, 2023.

Chairman Lentz explained that the Cannabis Moratorium passed last year expires July 1, 2023. He spoke to Attorney Branse about extending the time frame. Branse noted the moratorium is a temporary time period to allow for regulations to be prepared. The time cannot be extended. There needs to be a regulation in place by July 1, 2023, or if no regulation you must allow cannabis establishments wherever comparable use is allowed. The medical marijuana regulation remains unchanged. It was noted a perpetual moratorium is not legal in the State of Connecticut.

There were no questions or comments from Commission members, nor anything from members of the public.

This public hearing closed at 7:08 PM.

The public hearing for the second application commenced at 7:10 PM. Secretary McGuinness read the Notice of Public Hearing for Application #378 into the record.

#378, The Echelon LLC (Care of Joe Velardi) applicant; The Echelon LLC, owner, for Special Exception, Fast Food Service and Drive Thru Service, at 151 & 153 Route 81 (2 parcels, tax map 33, parcels 59A and 59C).

Chairman Lentz noted the applicant will present the application. Members of the Commission will then ask questions. Members of the public may then ask questions. After that any

correspondence will be read into the record. Then members of the public may speak either in favor or in opposition to the application. At the end, the applicant will have the opportunity to summarize the application.

Chairman Lentz noted this application looks like a very complete application with landscaping and architectural plans.

Paul Vitaliano (engineer), Joe Velardi (applicant), Katie Eannotti (engineer) and Jason Brown (architect) were all present as representatives for the application.

Mr. Vitaliano reviewed the existing conditions for 151 & 153 Route 81, 2 parcels 4.86 acres in total. The two lots will be consolidated. The property had been cleared of all vegetation prior to the owner acquiring it. To the north is the DayCare and Premier Stone Products.

They are proposing a small project, 840 s.f. building housing a coffee shop and drive thru.

It was noted the site is in 2 zones, commercial and residence. The use will be entirely within the commercial zone. The proposed conditions were reviewed. Reviewed the building, drive thru area, 2 curb cuts, 9 parking spaces in the front and the area of pavement.

It was noted they talked with DOT. There is one drive in and one drive out.

The following items were reviewed – DOT, overhead utilities, stone wall along the front, septic system, holding existing tree line, drainage, catch basins collecting water, wetlands, traffic, parking, There were no archeological issues.

Jason Brown, Architect, reviewed the plan view noting the building was not open to customers, only employees. Patrons would walk up to the window. The building was 815 s.f. No interior access to customers.

It was noted Mr. Velardi wanted the building to look like it had been there forever.

Lentz read letters into the record – public health code, fire marshal, wetlands, sanitarian. A report will be needed from the Town Engineer. Mr. Vitaliano noted plans have not made it over to everyone yet. Lentz also noted the public hearing will have to be continued in order to receive the engineer's report.

Martin asked if the patio area was intended to be used for people to come up to the window and then sit at the tables and chairs and is there enough parking. The reply was yes. It was noted the tenant is comfortable with parking and the patio area but has not been disclosed yet.

There was a brief discussion regarding the parking area and if there is enough for both employees and customers.

Lentz asked about the line of trees on the south side. Mr. Vitaliano noted they would not be touching that tree line.

Hogarty asked if the infiltrator system was rated for driving over. Mr. Vitaliano noted it was not an infiltrator system and reviewed the parking spaces indicating they would not interfere with traffic flow in and out. He also noted they might ask for more parking spaces later if necessary.

McGuinness asked if the exterior lighting sconces were down lighting. It was noted the lighting fixtures along the front were decorative.

Signage has not yet been designed. They are still working on it. Mr. Velardi wanted to find something that would adjust to the culture of the community.

No one spoke either in favor or in opposition to the application.

Mr. Vitaliano thanked the Commission for its time. He noted Mr. Velardi is a local person and trying to do the right thing. We understand this will be continued based on not having the engineering comments. Lentz noted this will be continued for the purpose of receiving the engineer's comments.

This public hearing was closed for this evening at 7:44 PM and continued until the next meeting on July 18th.

AGENDA

1. Call to Order

Regular meeting was called to order at 7:45 PM.

2. Minutes of Regular Meeting May 16, 2023

Motion by Cook, second by Tobelman, to approve May 16, 2023 Minutes as written. PASSED UNANIMOUSLY.

3. Communications and Bills

4. Old Business

Amend Killingworth Zoning Regulations, Moratorium on Cannabis retailing expires on July 1, 2023. **Motion by Cook, second by Martin, to repeal the Moratorium and adopt the Prohibition effective July 1, 2023.** Discussion followed. Cook asked for clarification that the medical marijuana regulation stays in place unchanged. Lentz replied yes. He also noted no other town in this area allows this. Chairman Lentz read into the record the letter from RiverCog, Torrance Downes, indicating there was no significant adverse impact. He also read into the record the Recreational Cannabis definition. **PASSED UNANIMOUSLY.**

#378, The Echelon LLC (Care of Joe Velardi) applicant; The Echelon LLC, owner, for Special Exception, Fast Food Service and Drive Thru Service, at 151 & 153 Roue 81 (2 parcels, tax map 33, parcels 59A and 59C). It was noted this application was continued to the July meeting to receive the engineer's report.

5. Zoning Enforcement Officer's Report

ZEO noted he sent out two violation letters but hasn't heard back yet from either party. One was a Cease & Desist Order for Commercial Trucking Operation on Pond Meadow and the other was Running Brook Farms furnaces.

6. New Business

a. Jack B. Coy LLC, C/O Sweeney Law Firm, 897 Boston Post Rd, Madison, CT 06443, Subdivision, Roast Meat Hill Road, 29.82 acres, 6 Lots, Tax Map 28, Parcel 59A, Zoning District R-2

Bob Doane was present representing this application. He noted a Subdivision application was submitted for a 30 acre parcel between Roast Meat Hill and Reservoir Road. He noted several years ago in 2018 they did a conventional subdivision layout and had a site walk on October 2, 2018. After preliminary discussion, it was approved. Doane read into the record the Preliminary Discussion to give permission to submit a Conservation Subdivision.

The applicant is now before the Commission with a 6 lot subdivision with 4 lots on Roast Meat Hill. 9.19 acres will be a Conservation Easement part of Lot #1 which will be a farming operation of the owner.

Doane noted plans were sent to the CT River Health District, CRAD, State Archeologist and the Water Company. The center of the property is 9 acres of a Conservation Easement similar to 2018. Wetlands approval has been received. They have submitted all copies and the application fee of \$2,300. He asked that the application be received by the Commission tonight. It was noted 3 comments have been received from CRAD which will be read at the next meeting.

Chairman Lentz read into the record comments from the Preservation Office. Lentz noted this site contains the Northern Village of Hammonasett Indians. An archeological review will be needed on that. A conservation easement is enough to protect that site. Also Open Space.

Comments were reviewed from the State Historic Preservation Office. It's clear from the report of the SHPO that this is a significant site. It was noted there shall be no activity until individual site plans are approved. There was discussion regarding the archeological site. Lentz noted the Killingworth Land Trust should be contacted. It was noted this is one of the most historical sites in the whole area. Lentz reviewed the area next to the river at the corner of Roast Meat Hill Road and Reservoir Road. A determination will need to be made if there are unique features that need to be preserved.

Cook noted the proposed locations of these lots are of archeological significance and the Commission should have a study of the site.

Doane noted the configuration and recipient of the Open Space can be changed.

Lentz noted the application should be accepted. The Commission then has 65 days to make a decision. Twenty-one days to decide if it will be a Conservation Subdivision.

Motion by Cook, second by Martin, to accept the application as proposed as a Conservation Subdivision with the understanding there will be modifications to Open Space. No discussion. PASSED UNANIMOUSLY.

Lentz noted it will be very important that this site be preserved. Doane noted the comprehensive statement of use embraces the fact that the site could contain significant archeological resources.

It was noted the Town Engineer needs a copy of this application. Copies of reports are also needed from Wetlands, Sanitation and Fire Protection Plan.

This application will be on the next meeting of July 18, 2023.

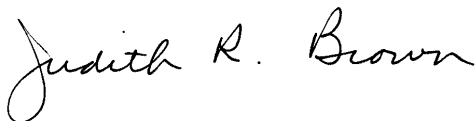
7. Report of Officers and Subcommittees

It was noted the temporary injunction was issued for Running Brook Farms. Not sure if it's going to be appealed. The Commission's attorney is talking to RBF's attorney.

8. Adjournment

There being no further business, the meeting adjourned at 8:31 PM.

Respectfully submitted,

A handwritten signature in cursive script that reads "Judith R. Brown". The signature is written in black ink and is positioned below the text "Respectfully submitted,".

Judith R. Brown, Recording Secretary