

Commission members present and seated were Lentz, Cook, McGuinness, McLaughlin, Tobelman, and Drew (seated for Hogarty). Warren and Martin were also present but not seated. Others present were Pleines, Bombalicki Jr., Corona, Berandino, Vitalano, Velardi and Doane.

## PUBLIC HEARING

#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).

Secretary McGuinness read the Notice of Continued Public Hearing into the record. Chairman Lentz noted this hearing was started at the last meeting. Everything had been submitted except the engineer's report.

It was noted there were two letters from Joseph Dillon, Town Engineer. One dated 6/28/23 which had 9 recommendations. Then a second letter dated 7/12/23 stating the application adequately addressed the information in the 6/28 letter.

Paul Vitaliano, civil engineer, noted he has been working with the engineer. The first letter was technical in nature about grading and drainage comments which were addressed. The second letter was a follow up asking for a guardrail in front of the slope. That was done. The final letter dated July 14<sup>th</sup> from Dillon said the comments were satisfied with new plan dated July 30<sup>th</sup>.

As there were no questions, the public hearing was closed at 7:07 PM.

## MEETING AGENDA

### 1. Call to Order

Chairman Lentz called the meeting to order at 7:08 PM. Commission members present and seated were Lentz, Cook, McGuinness, McLaughlin, Tobelman, and Drew (seated for Hogarty). Warren and Martin were also present but not seated. Others present were Pleines, Bombalicki Jr., Corona, Berandino, Vitalano, Velardi and Doane.

### 2. Minutes of Regular Meeting June 20, 2023

**Motion by Tobelman, second by Cook, to approve June 20, 2023 Minutes as corrected:**

**Page 2, 5<sup>th</sup> paragraph, change "residence" to "residential".**

**Page 2, 8<sup>th</sup> paragraph, change "815" to "840".**

**Page 4, under 6a. 1<sup>st</sup> paragraph, eliminate sentence “After preliminary discussion, it was approved.” And add “That subdivision was never approved. Chairman Lentz explained what happened with that application. A complete application was never received.”**

**Page 4, under 6a. 4<sup>th</sup> paragraph, correct 4<sup>th</sup> sentence to read, “A conservation easement is not enough to protect that site. Also Open Space should be given in fee to the KLT.”**

**PASSED UNANIMOUSLY.**

### 3. Communications and Bills

Received a few communications regarding the Coffee Shop, Roast Meat Hill subdivision, Regulation change and ZEO comments.

### 4. Old Business

#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 public hearing was held on this application. There were no objections. The application was very well done and very complete. All approvals have been received, wetlands, sanitarian and fire marshal.

**Motion by Cook, second by Tobelman, to approve Application #378 based on everything submitted and follow up with town engineer.** Discussion followed. Chairman Lentz noted the application was very complete. There was a question about one lot in commercial and one lot in residential. He explained one zone is allowed to extend a short distance into an adjacent zone. There wouldn't be any building in that residential area. Cook noted they aren't doing anything in the residential. That area remains residential even if combined with the other lot. Lentz called the question. **MOTION PASSED UNANIMOUSLY.**

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.

Chairman Lentz noted there were a number of things to be discussed. There appears to be 2 maps, the Coy map and the Berkun map. The Berkun map was approved by Inland Wetlands. It also had Open Space. Bob Doane noted the Open Space has changed from fee to a Conservation Easement. That is what is being requested. The Coy plans are being used and what was discussed at the last meeting. Lentz noted Inland Wetlands has not yet approved the Coy plans.

Doane briefly reviewed what happened with the 2018 application. At that October 2 2018 meeting, they were given permission for 6 lots, no road and approximately 10 acres of Open Space. After a few years, they came back with a Conservation Subdivision at the last meeting.

Doane reviewed a letter from Tom Talbot regarding a few issues. The Fire Marshal has noted approval is required from the Fire Chief. Doane stated he has had no success in contacting the Fire Chief.

Doane noted he met at the site with the Archeologist, Kevin McBride, from UCONN. He reviewed the letter from McBride. Doane stated he considered the site to be highly sensitive with respect to the Native American sites. He concurred with recommendations from CT State Archeologist and the CT State Historic Preservation Office that an archeological survey is needed in areas of proposed ground disturbance. Doane noted site plans prepared for each of the lots will be submitted to McBride and a Professor of Anthropology to get their blessing.

There was discussion regarding the testing of the area of the proposed house, driveways, sanitary system and proposed development. There also was discussion of protecting the Indian Village site. McBride had noted the most sensitive site portion of the area was east of the river.

Lentz asked if they were proposing to leave the Open Space as an easement. Doane replied yes. Lentz noted that wasn't sufficient. It doesn't protect the site in the event of a violation or some activity on the site. It's hard to enforce.

Lentz noted it has been stated several times this should be given in fee to the Land Trust. Doane noted there was discussion about maintaining the Conservation Easement/Restriction, or perhaps a deed restriction. They would like to keep the property as private as possible. Lentz suggested Doane contact the Land Trust and state concerns about public access. Dave Gumbart is Chair of the Land Trust.

Further discussion regarding having an archeological survey. The survey would be in the areas of disturbance. No roadways proposed.

Discussion regarding Talbot's letter of July 17<sup>th</sup>. Lentz noted the letter stated the plan received chose a wetland crossing that Wetlands didn't approve. Lentz noted the area of the minimum lot rectangle was in the 100 year flood plain. He also noted one of the six lots does not have the required minimum lot rectangle.

It was noted there were seven individual situations mentioned in Talbot's July 17<sup>th</sup> letter. It was agreed the application should go to Joe Dillon. Doane had questions about the minimum rectangle.

Lentz indicated Doane should be contacting Dave Gumbart of the Land Trust.

Doane asked how to contact the Fire Chief. It was suggested he ask the Town Clerk. Doane further noted he saw that any fire protection plan has to be approved by both the Fire Chief and the Town Engineer.

Lentz noted time runs on the application at the next meeting unless an extension is requested. The engineer's report will be due and the issue of Open Space resolved.

Lentz indicated the Regulations list several options for Open Space. We have almost always required Open Space in fee to the Land Trust. There are often problems with the other methods. Lentz stated easements are not sufficient because of the importance of the site. It is an historical site not only for Killingworth but the whole area of Southern CT.

There was further discussion about Lot Six and that the dimensions appear to be large enough for a 100 by 300 rectangle.

Lentz asked Leo to notify the Town Engineer they will be receiving plans for Subdivision on Roast Meat Hill. Leo will send the plans.

Doane noted he had stated in the statement of Use that he would be preparing individual site plans for each of the lots and at that time be able to provide a detailed sedimentation erosion control plan. No improvements are planned until the site plan stage.

The site plans won't be done until there is an approved subdivision and a perspective builder of a house.

#### 5. Zoning Enforcement Officer's Report

134 Tower Hill Road – junkyard, scrap cars. Did site inspection. Excess of 20 cars in various stages of disrepair. Sent owner letter, no response. After 12 days, sent Cease & Desist Order.

Amerigas, Routes 80 and 81 Circle, propane site. Did inspection. Received complaint site was overrun with dilapidated or condemned gas tanks. After researching town records, found Town reached agreement with Amerigas that no more than 300 new gas tanks would be stored there and no more than 100 condemned. After inspection found 300 condemned and 100 new containers. Met with Amerigas Compliance Officer, David Dara, who was in agreement site overrun with dilapidated tanks that will be removed by end of the month. Don't think there will be any further issue with that.

131 Little City Road. Outside wood boiler. Neighbor complaining.

Cook asked if there was any update on Running Brook status of injunction. Is there a status on DEEP chasing them on outdoor wood burning furnaces. Leo noted neighbor still complaining. He stated it's in the hands of the attorneys who are negotiating.

#### 6. New Business

Petition by Jon Berardino for Amendment of the Killingworth Zoning Regulations to modify the existing text of Article II 500-4, "Hotel," for property at the Circle #249 to read as follows:

## HOTEL

A building or a part of a building containing multiple guest rooms or suites designated and used as

Temporary abodes for travelers who may stay multiple nights. The guest rooms or suites within

Such hotel may have cooking facilities.

Berardino wants to convert the Killingworth Inn into 6 junior suites. He noted this is a very old building and doesn't lend itself to the current access Zoning Regulations. The applicant was asked if they would object to a condition that this not become long term apartments. John Corona noted the applicant could give something to satisfy that concern.

There possibly would be a small refrigerator underneath little sink and two burners. Access points were reviewed. There is currently two, with this amendment there would be three.

Berardino noted he likes to find properties that have potential, improve them and make them better for the community.

Lentz noted there has to be a public hearing and send this to town attorney for review. Public hearing was scheduled for August 15<sup>th</sup> meeting.

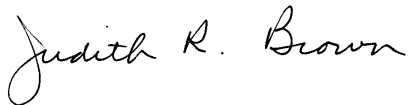
## 7. Report of Officers and Subcommittees

Martin noted there will be RiverCog training in the Fall. Everyone needs to be certified by December 31<sup>st</sup> of this year. Seven or eight hours of training is required – 4 hours on housing and 3 hours on other things.

## 8. Adjournment

There being no further business, meeting adjourned at 8:25 PM.

Respectfully submitted,



Judith R. Brown, Recording Secretary