

Minutes of Regular Meeting No. 12125 of the Killingworth Planning & Zoning Commission held on Tuesday, August 15, 2023, at 7:00 PM by Go-To-Meeting.

Commission members in attendance and seated were Lentz, Hogarty, McGuinness, Cook, McLaughlin (arrived at 7:10 PM), Tobelman, Warren (seated for McLaughlin until his arrival at 7:10 PM). Present but not seated were Drew and Martin. Others present included ZEO Bombalicki Jr., Building Official Pleines, Robert Doane (Doane Engineering), Joe Piagentini, John Corona, Mike Berkum, Caller 01 (?), LT (?), Michelle Cumpstone, Eileen Unger, Annie.

PUBLIC HEARING:

Secretary McGuinness read the following Notice of Public Hearing into the record, said Notice having been published in the Hartford Courant.

“Petition by Jon Berardino for Amendment of the Killingworth Zoning Regulations to modify the existing text of Article II500-4, “Hotel,” 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.

A copy of this Amendment is on file with the Killingworth Town Clerk.

At this hearing written communications will be received and interested persons may be heard.”

John Corona noted the reason for the modification is that there is already a special exception for the restaurant and hotel with limitations. The restaurant could not continue if the hotel were closed.

Lentz noted the changes were relatively minor. Changes can be made to the original submission. He asked for comments from the Commission.

Pleines noted his concern was is this a back way to circumvent zoning and buildings change of use trying to make this into apartments.

Martin noted there’s no definition of the size of the kitchen. It just leaves it totally open for full size appliances. It’s not defined. Pleines noted if you want to change the use of the property it must go through the proper channels to do so.

Lentz noted the main reason for the change in definition is to allow access from the outside. He read from the application.

Pleines noted perhaps the definition should be left as is and come in for a change of use on the property. He felt this was beyond the Commission's purview. He didn't see changing the definition based on one property in town.

Corona noted if we are successful in making this change, we would have to come in for a special exception. Its already zoned for and permitted as a hotel. The only change is the access. The use is not being changed in any way.

Cook asked about the tavern license from the State of Connecticut. What is the definition of that. A bed and breakfast can't have a full service restaurant serving alcohol. Corona noted he would be happy to investigate and continue the hearing. The only change really is the coming and going from the building.

Lentz noted a change could be made to the definition stating "which may include compact cooking facilities." Cook asked what the square footage was of the units.

Eileen Unger asked what the ramifications were of changing the definition. Lentz note one can always change the definition. He noted he would love to see something done with that building. There was a concern about changing a rule just for one specific thing.

McGuinness noted the current definition doesn't specify number of days.

Pleines noted a kitchen would be a change of use. Changing the definition is an attempt to skirt the use. Martin felt the word "compact" should be inserted into the definition. Corona noted that would be acceptable.

Pleines noted there is no definition of "compact" in the building code. He asked if this could be tabled.

It was noted this would have to go before the Historic Review Committee.

The public hearing was closed at 7:21 PM.

AGENDA

1. Call to Order

Regular meeting was called to order at 7:22 PM after the above public hearing.

2. Minutes of Regular Meeting July 18, 2023

Motion by Tobelman, second by Cook, to approve July 18, 2023 Minutes as written. PASSED UNANIMOUSLY.

3. Communications and Bills

4. Old Business

Petition by Jon Berardino for Amendment of the Killingworth Zoning Regulations to modify the existing text of Article II500-4, "Hotel," to read as follows:

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Chairman Lentz noted a public hearing was held prior to this meeting. **Motion made by Tobelman, second by Hogarty to approve Amendment to Zoning Regulations to modify existing text of Article II500-4 "Hotel" as read by Chairman Lentz during public hearing.** Discussion followed. Hogarty noted he was thrilled to see something happen with this building. Safeguards are built in. This is a good application. **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

Lentz noted they were waiting for reports from the town engineer and the Wetlands Commission. Bob Doane was present representing the applicant. He noted since the last meeting applications and plans were submitted to Wetlands. They were received last week. They also had a site site visit with the Fire Chief and prepared a fire protection plan submitting it to the Fire Chief for his review.

Doane noted Lots 5 and 6 were combined and will be a new lot #5. Two dry hydrants will draft out of the pond on the property, one on the east side of the river and one on the west side of the river. Those will be accessed thru the fields with a roadway. This is being reviewed by the Fire Chief.

Doane noted he submitted plans to Joe Dillon and the site has been walked with Dave Gumbart from Killingworth Land Trust. The options were reviewed with Michael Berkun regarding Open Space. A legal document is being prepared for the Conservation Easement.

Doane noted this application was submitted at the June meeting. Lentz noted the applicant would have to ask for an extension. Doane requested an extension to get them to the September meeting. He thought the Wetlands approval would come a week before the P&Z meeting in September.

Lentz read the letter from the KLT into the record regarding Open Space. The proposed O.S. includes open fields, a small woodland and approximately 1000 feet of the river. The KLT is willing to work with both the landowner and P&ZC to act as the formal recipient of the OP set aside. There was further discussion regarding the O.S. Lentz noted he felt the plan was inadequate in view of the historical and archeological nature of the site. He further noted one of the requirements of the preservation of historic and cultural resources, includes historical and archeological sites. He felt the only way to protect that was to donate it in fee to the Land Trust or the Town.

Doane noted a study will be done on each of the lots whenever there is proposed disturbance. A document will be prepared during the next month. Access to the OS was reviewed.

Lentz noted the method of dedication is subject to approval of the Commission.

Doane noted there is a concern about opening the OS to the general public. Lentz noted it doesn't have to be open to the general public. There was discussion regarding the access being restricted. Doane indicated he would discuss this with his client.

Motion made by Cook, second by Tobelman, to extend the subdivision time for 35 days. PASSED UNANIMOUSLY.

5. Zoning Enforcement Officer's Report

ZEO Leo Bombalicki, Jr. reported on the following 4 zoning complaints:

1. 74 Chittenden – complaint regarding removal of debris, garbage, junk.
2. Amerigas, Route 80 – complaint regarding propane tanks – removed 100 and will be removing another 100 by the end of the month.
3. 134 Cow Hill – running a junk yard in excess of 20 vehicles. Will issue Cease & Desist.
4. Little City Road – burning wood furnace and refuses to stop. Will issue Cease & Desist.

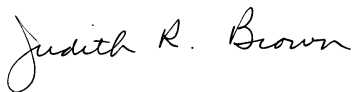
6. New Business – none.

7. Report of Officers and Subcommittees – none.

8. Adjournment

There being no further business, the meeting adjourned at 8:11 PM.

Respectfully submitted,



Judith R. Brown, Recording Secretary

