

**Minutes of Regular Meeting No. 12126 of the Killingworth Planning & Zoning Commission  
held on Tuesday, September 19, 2023, Page | 1**

Commission members in attendance and seated were Lentz, Hogarty, Cook, McGuinness, Tobelman, Warren (seated for McLaughlin until his arrival at 7:03 PM). Present but not seated were Drew and Martin. Others present included Leo Bombalicki Jr, First Selectwoman Nancy Gorski, Laura Lefko, Mike Berkun, Eileen Unger, Bob Doane, Richard Guest and Joseph Piagentini.

1. Call to Order

Regular meeting was called to order by Chairman Lentz at 7:00 PM. Stephanie Warren will be seated for Brice McLaughlin until his arrival at 7:03 PM.

**Motion by Hogarty, second by Warren, to add to the Agenda Day Care Home Statute.  
PASSED UNANIMOUSLY.**

2. Minutes of Regular Meeting August 15, 2023

**Motion by Tobelman, second by Hogarty, to approve August 15, 2023 Minutes as written.  
PASSED UNANIMOUSLY.**

3. Communications and Bills

1. Inland Wetlands & Watercourses Commission Minutes for 9/12/23 indicating their approval of the Jack B. Coy LLC Subdivision.
2. Town Engineer's 9/19/23 review letter.
3. Killingworth Land Conservation Trust, Inc. 9/18/23 letter.
4. 9/19/23 email from Rick Darin, Fire Chief with attachments.
5. Article on Hammonasset Indians by Thomas Lentz, Municipal Historian.

4. Old Business

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 read each of the following pieces of correspondence into the record and briefly reviewed each one. IWWC minutes from 9/12/23 meeting indicating their approval of the Jack B. Coy subdivision; Town Engineer's 9/19/23 review letter; Killingworth Land Conservation Trust, Inc. 9/18/23 letter; 9/19/23 email from Rick Darin, Fire Chief with attachments; and Article on Hammonasset Indians by Thomas Lentz, Municipal Historian.

Chairman Lentz noted they have all the letters and approvals they need. The one remaining item is the Open Space and that is a problem. KLCT decided not to accept the OS in fee. Drew asked who gets the Open Space. Lentz noted all Open Space is to be dedicated in fee either to the Land Trust or the Town.

**Minutes of Regular Meeting No. 12126 of the Killingworth Planning & Zoning Commission  
held on Tuesday, September 19, 2023, Page | 2**

Lentz noted the Commission must approve the method of dedication of the Open Space. Doane noted it is the intent to preserve the property as Open Space. The alternative for the Commission is to dedicate the OS in fee to the Town of Killingworth. He stated he consulted with Attorney Branse on this matter. Chairman Lentz read Attorney Branse's letter into the record. Lentz noted it would be his recommendation to follow Branse's advise and the Open Space be dedicated in fee to the Town. Any approval could be conditioned so that the OS be dedicated in fee to the Town.

Doane reviewed general public comments from the last meeting in August. It doesn't have to be open to the general public. Cook noted there had been talk about putting restrictions on it. The Town may not have the ability to restrict public usage. Lentz noted this site is so important, probably the most in this whole area, and should receive the maximum protection. It was noted Planning & Zoning has the final decision on these matters. Doane spoke to Gumbart and asked for a site walk and discussion about this matter. They discussed it and were told they wanted a Conservation Easement.

Doane reviewed Jacobson letter relative to grading on the adjoining lot. It was agreed when doing individual site plans, adjoining properties should be taken into consideration. Drafting basins and the pond were briefly reviewed. Could the watershed and pond support the drafting basins.

Doane stated he thought all the issues have been addressed. **Motion by Hogarty, second by Cook, to require Open Space be dedicated in fee to the Town of Killingworth. PASSED UNANIMOUSLY.**

Chairman Lentz noted the subdivision could be approved with conditions. Hogarty noted he would like to see the Fire Protection Plan. It was also noted revised site plan would include recommendations to be filed on the Land Records, such as conditions regarding water supply.

Cook noted no C.O. be issued on house on River Road. Fire Officials are saying that sprinklers would be a solution, but the house was already built. How would the cost compare to putting in a water tank vs. sprinkler system. It was noted they could require an analysis by an hydrologist to check for adequate water supply or if sprinklers in individual houses would be required. Doane will provide information in time for the next meeting. Chairman Lentz noted Doane could ask for a 30 day extension which would take it to the October meeting. Details would be needed regarding the sprinkler systems and the drafting basins in the existing pond. Rick Darin should provide this information. There should also be an hydrologist report for the next meeting. Doane agreed to send a request by email for a 30 day extension to Chairman Lentz. Lentz noted it can only be 30 days. The next meeting is 28 days. Lentz also noted sprinklers would be acceptable but suggested they try working with the Land Trust for a satisfactory agreement for donating in fee to the Land Trust.

Doane noted he has had several discussions with Attorney Branse regarding changes to the regulations. Lentz noted this will be discussed at the next meeting.

**Minutes of Regular Meeting No. 12126 of the Killingworth Planning & Zoning Commission  
held on Tuesday, September 19, 2023, Page | 3**

It is noted for the record McGuinness left the meeting and Martin will sit in his place.

Lentz noted it is on record that a 30 day extension will be requested. He also noted the applicant has had 3 months to work on this subdivision and most of the issues should have been settled earlier.

5. Zoning Enforcement Officer's Report

1) 134 Cow Hill Road – junk yard – 21 unregistered vehicles on the property. Owner came into town hall and we entered into an agreement to get rid of all vehicles and junk within 60 days. We have notarized letter.

2) 74 Chittenden – property was sold at auction when the owner was killed in a motor vehicle accident. ZEO inspected the property and contacted the new owner. Five 40 yard dumpsters have been removed from the property and probably another 2 dumpsters to go.

3) Amerigas – removed 200+ gas tanks. Still removing more.

4) Wood burning furnaces. There are several going. Wrote a letter and they didn't respond. Sent Cease & Desist which they didn't accept. We will have to get together with the Commission and figure out how to expedite these issues. There was a brief discussion regarding wood furnace noncompliance. ZEO noted he will be very proactive coming spring time when the furnace is to be off. Cook asked about options if property owner ignores C&D.

Cook – inquired status about place on River Road with the fire tank issue.

6. New Business

Valley Shore Emergency Communications Lease of Tower

Renewal of the Town Lease for the use of the cell tower behind the firehouse. Selectperson Gorski noted the Lease also includes some revenue coming back to the town. Statute 8-24 review. **Motion by McLaughlin, second by Cook, to approve Town Lease to Valley Shore Emergency Communications for use of the tower. PASSED UNANIMOUSLY.**

Day Care Home Statute

It was noted there is a State Statute requiring the towns to certify their regulations are consistent with the State Statute. The Statute requires that day care homes be treated the same way as individual residences in the residential district and don't require a special zoning permit or special exception. Our regulations 543A8 General Principal Use. 50043B1 Special Principal Use requiring special exception. Looks like the day care home part needs to be changed to make day care homes a General Principal Use. Chairman Lentz will send revision to the members. The Town has until December 1<sup>st</sup> to reply to the State.

7. Report of Officers and Subcommittees

Attorney Branse noted the Stipulated Judgment needs to be signed and sent to Running Brook's attorney. After that Running Brook will have to come to the commission and Planning

**Minutes of Regular Meeting No. 12126 of the Killingworth Planning & Zoning Commission  
held on Tuesday, September 19, 2023, Page | 4**

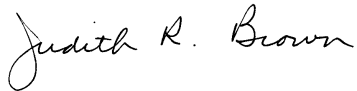
& Zoning will hold an Executive Session. Issues at Running Brook Farms were briefly reviewed.

Doane noted he would be requesting a 30 day extension. Chairman Lentz agreed.

8. Adjournment

There being no further business, the meeting adjourned at 8:30 PM.

Respectfully submitted,

A handwritten signature in cursive script that reads "Judith R. Brown".

Judith R. Brown, Recording Secretary