

Killingworth Planning & Zoning Commission

323 Route 81

Killingworth, Connecticut 06419

Minutes of Meeting No. 12142 of the Killingworth Planning & Zoning Commission held on Tuesday, December 17, 2024 at 7:00 PM at the Killingworth Emergency Operations Center, 323 Route 81, Killingworth. Note that this is a face to face meeting, not a hybrid meeting.

Commission members in attendance and voting – McGuinness, Hogarty, Cook, Tobelman, Drew, Warren (seated for McLaughlin) and Alternate Phelps.

REGULAR MEETING AGENDA

1. Call to Order

Chairman McGuinness called the meeting to order at 7:02 PM.

Motion by Hogarty, second by Warren, to move Agenda Item 7 to after approval of minutes. Unanimously Approved.

Motion by Cook, second by Drew, to add to the Agenda Election of Officers. Unanimously Approved.

It was noted this is a Planning & Zoning meeting, however, the Board of Selectmen have been invited.

2. Visitors – brief public comments

Ryan and Mrs. Sweeney, 99 River Road – he described what he is doing with construction of his home. Would like to buy house for wife and daughter. Town had already planned to remove trees due to siste issue. He is doing this at no cost to the town. Plans have been submitted. Town officials have visited the site. Commissioner Tobelman asked if there has been any workup of the property to be looked at by the end of the day. Ryan noted they are working on that. He also noted wetlands has been out there twice. He will be cleaning out the drainage ditch.

Rachel Berwick, 214 Green Hill Road – she noted they have been living with this for the past 6 months and its an assault. It started in July, trees were being pulverized. Decibel level was 80-90. Couldn't go outside. Lived with it for 7 weeks. Trucks coming in and out. Operation is way over the top. Earth moving started. 14 wheelers lining up. They are asking for assistance. She called this a commercial operation. Trucks going to Tilcon every day. This is not site prep. Its something more. This job should be stopped. We are not getting plumes of sand. It doesn't stop.

Chairman McGuinness asked Mr. Ryan if he was not selling the material.

Warren Johnson, 214 Green Hill Road – he noted in the town of Killingworth, the life style is important to the people. Previously the cranberry bog was devastated by similar work. He is clearly in violation of the zoning requirements.

The selectmen have stated this is a commercial operation. He did pay for a 3rd party for an audit.

He is trying to mediate the noise and vibration. Didn't move to the back of the property. Stockpiling truck access to the site not creating a nuisance. No traffic people there. No traffic control at all.

Chairman McGuinness noted he is working from the front to the back with staging. Selectman DeAngelo noted he is trying to weed thru all of this for an amicable solution for all parties. Zoning Reg. 500-20 is removal of earth products. 500-120 permits removal. One must apply for a Special Exception and post a performance bond. Document how much is removed. Discussion if Special Exception granted and bond posted. He also noted Section 120A stated no more than 500 yards if home occupation,.

John Tolman, 16 Cedar – there is at least 5 trucks at end of River Road waiting to pick up sand every day in my drive. These trucks are on both sides of River Road. Every morning about 7:15 AM.

Dave Sac, Green Hill Road – this is clearly a commercial operation in all respects. It's a violation of the code. It's up to the Board to enforce. It's a commercial operation. 250 triaxles haven't been taken out of there. There's nothing to prevent the applicant from raping the land and then walk away. An application should be put in for a Special Exception. It wasn't demanded. The only thing now is for a house to be built and bonded. It's up to P&Z to have a bond posted.

Shawn, 76 River Road – why the need to sift sand causing a lot of vibration. Is all this being sold? Where does the Board draw the line between commercial operation. It appears to be a commercial operation.

Chairman McGuinness noted the reason the material is being screened is he needs gravel for the driveway.

Johnson – zoning regs say no screening on site.

Dave Sacs – 250 trucks. By now there's somewhat over 300 trucks to run trips from the site to Tilcon, 20 tons per truck. Can't believe he is not getting paid for this.

Eugenia Shover, 78 River Road – speak to site being for home and driveway. It's 10 acres of trees. No driveway would require removal of 10 acres of trees.

Calvert, 215 Green Hill Road – he noted every morning hear the trucks. The corner has been devastated. Don't want commercial operation in our neighborhood. ZEO, please enforce zoning.

Carolyn, 76 Green Hill Road – there are restrictions on closeness to headstones. There are disturbances as close as 25 feet. It was noted this is not wetlands. Why has this changed?

Rachel – will you act? It's time for you to step up. It's being ignored. You are the people charged with this. You enforce the regulations for Killingworth. This is impunity of the regs. P&Z needs to enforce.

Mr. Sac – it appears to be neglect on the part of the board. You need to act.

Susan, 197 Route 81 – will one Sweeney live in this home. There seems to be a commercial aact going on in the meantime. The code says a bond needs to be submitted. This is a violation of the code. A Special Exception should have been applied for. Its up to P&Z to enforce the law.

Mr. Pleines – can they be stopped from raising the house 6 feet. There is also a flood zone that has to be addressed. School buses trying to navigate in the morning. It’s wrong. We were told there would be flaggers out there, but nothing.

Warren – I’m trying to understand this situation. She understood some pictures were taken. She thought this was for a driveway and a house and can’t put it together.

Engineers – they need to put topsoil back to final grade according to the plans.

Johnson – 214 Green Hill Road – he has probably removed over 7000 yards of material above and beyond the 500. 7200 cubic yards of material were documented. Doesn’t address the issue of stockpiling. He’s got to be selling this material to Tilcon. No bond issue. Traffic issue. You refuse to act. He is putting in a house and driveway, that is the purpose of the bond, post the bond.

Ryan reviewed the 10 foot basement and fill. Trying to get away from the corner. They said their trucks cannot drive back there.

Tom – are you selling material being trucked off. Ryan – no. I’m paying them something for trucking material off site, yes, friends of the family.

Dave – your board should ask Ryan if problem to post a bond. Ryan – I am doing things correctly. I don’t need a bond, don’t have that money. It would slow down the project.

Johnson – bond is part of the zoning regs for Special Exception because of amount of material removed from the site. The bond is a requirement of zoning with a Special Exception. We shouldn’t be asking him if bond is okay. It’s not an option.

Nora Sweeney – building property for daughter. Plan to live in this town. Excited to live in this town. Just trying to build their home.

? – did the town anticipate this much material being removed when applied for permit. Drew – site is being done according to the plans.

Johnson – ZEO made comment about pulverizing. This is a mining operation and commercial. They have exceeded numerous zoning requirements. Get a bond. The board should now decide how to proceed.

3. Minutes of November 19, 2024 Meeting

Motion by Hogarty, second by Cook, to approve November 19, 2024 Minutes amended as follows –

“6a. 255 & 253 Route 80, clear cut lot. Garguilo plans to be in next month with site plan to start apartments in the back lot.”

“6e. correct spelling of Cascio to Cazeo.”

“7c. Preliminary discussion with Bob Doane re 2 lot subdivision, Roast Meat Hill. Second paragraph – Move the front property line back and it may conform with the 200’ frontage and reduces the lot area to 2.64 acres of the minimum needed. P&Z will advise if this solution is acceptable or not.”

Unanimously Approved.

4. Communications and Bills

a. Dec. 11th email from Lilly Molina at CT DEEP Re: Public Notice Regional School District 17, Notice of Tentative Determination pertaining to a proposed new, modification of or a reissuance of a discharge into the waters of the State within your municipality (for H-K Middle School)

b. Dec. 6th email from Connecticut Planning Professionals Re: Notice of free webinar on Housing on 12/12 sponsored by CLEAR.

c. 2025 Planning & Zoning Meeting Schedule

Motion by Drew, second by Hogarty, to approve 2025 Meeting Schedule for 2025, Planning & Zoning meeting on the 3rd Tuesday of every month at 7:00 PM at the Killingworth Town Office Building.

Unanimous Approval.

5. Old Business

a. Housing

Draft proposal for over 55 housing regulation was distributed. The draft was compiled with information from other towns regulations. Commission members should review it for discussion at the next meeting.

b. OWF’s

The OWF regulations are with counsel and waiting for comment. Chairman McGuinness made a note to contact Attorney Jack Bradley for his comments.

6. Zoning Enforcement Officer’s Report

No Zoning enforcement Officer’s Report, no new items. ZEO passed second phase of Cazeo. Well on her way to getting her license.

7. New Business

a. Discussion on site work occurring at 99 River Road (at Green Hill Road intersection)

Item 7 was previously discussed and discussion was closed.

8. Report of Officers and Subcommittees – none.

9. Update on Running Brook Farms Litigation

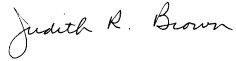
Trial is scheduled for December 7-8th. Depositions are ongoing. Maybe next month for an Executive Session.

10. Election of Officers

Motion by Cook, second by Warren, to appoint same slate of officers. Unanimously Approved.

Meeting adjourned at 8:30 PM.

Respectfully submitted,

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

Judith R. Brown, Recording Secretary