

Public Hearing & Special Minutes of Meeting No. 12144
Killingworth Planning & Zoning Commission
Tuesday, February 18, 2025 at 7:00 PM
Killingworth Town Office Building
323 Route 81, Killingworth/Remote Access

Commission Members in Attendance (Voting): Paul McGuinness (Chair), Thomas Hogarty, Bill Tobelman, Geoffrey Cook, Mike Drew (Via Remote), Stephanie Warren (Seated for Brice McLaughlin/Via Remote), Alec Martin (Seated as Alternate/Via Remote)

Commission Members Not in Attendance: Brice McLaughlin, Julie Phelps (Alternate)

Visitors: Jeffrey Beatty, Esq., Linda Kieft-Robitaille (ZEO), MLP (Via Remote), Jon Berardino (Via Remote), Judy

Call to Order: The meeting was called to order at 7:00 PM. by Paul McGuinness, Chair. The Secretary, Geoffrey Cook, read the Legal Notice of the Public Hearing into the record.

Chairman McGuinness reviewed the Public Hearing application process and steps with the public in attendance.

Attorney Beatty presented on behalf of the property owner, Mr. Berardino, regarding the property located at 249 Route 81, known as The Killingworth Inn.

Mr. Berardino seeks to convert several rooms into long-term guest suites, each featuring a self-contained kitchenette and living area, rather than the traditional hotel-style layout. The Health Department has no objections to this change, as it is expected to result in a reduction in septic discharge due to the decrease in the number of rooms and the anticipated use of the space.

To comply with regulations for long-term guests, additional parking spaces will be added at the rear of the property. The intent behind this modification is to support the economic viability of the establishment by catering to long-term renters, such as visiting nurses and physician assistants. The goal is to maintain the building's exterior appearance while ensuring its sustainability.

Mr. Berardino is requesting the Commission's approval, emphasizing that this adjustment will help keep the site operational and financially stable. The long-term rental option will provide temporary housing for healthcare professionals working in nearby locations such as Middletown or Westbrook, with typical stays of approximately 90 days before moving on to their next assignments.

The Commission raised questions regarding the following:

- Structure changes: No structure changes, exterior lights added and parking lot lights added;
- Entrance: Tenants entrance was discussed;

- Septic System: Reduction of amount (300 gallons a day) in the amount of the water being generated to the septic system noting only the top two leaching fields were used;
- Reopening of the Killingworth Cafe: The intent is that the doors will be reopened;
- Length of stay past 90 days: The national average is 92 days for medical technicians and travel nurses, however, there is nothing in the application saying they can't extend their stay noting it was an estimate;
- Full-time resident caretaker will not only reside on the property but will also be actively involved in running the restaurant;
- Restaurant Name: Should it include "Tavern." The property has been known as the Killingworth Café for the past 25 years;
- Number of suites: There will be four, one will be designated solely for the caretaker.

Conditions: possible conditions were discussed regarding the addition of a concrete or stone sidewalk, as well as any necessary landscaping, extending from the back parking lot to the front door along the north side of the building. This is not currently included in the plan, and the applicant must also obtain either DOT approval or a letter stating that such approval is not required. The applicant will also provide a copy of the Health Department's approval to the Commission.

Laura Poletti raised concerns about the septic system and its flow reduction. She questioned how the Regional Health Department was assessing the septic capacity, particularly in relation to the proposed three suites and whether they were considering the impact of the Tavern or a caretaker's residence. She inquired about how the effluent in the leaching fields is evaluated and how various attributes and usages are factored into the septic requirements by the Health department, especially if they were only considering the conversion of three rooms into three apartments for short-term use.

Laura also expressed concerns regarding the leaching fields and water diversion, explaining that, unlike a septic tank, an inspection of the leaching fields would only confirm functionality based on the absence of current usage. Additionally, she inquired about the seating capacity of the restaurant, which was stated to be 44.

In Support of the Application:

Jon Berardino spoke about his experience as a trained real estate appraiser and developer. He provided background on his acquisition of the property, explaining that the previous owner had given him a great price. Despite owning the tavern, she always felt as though she was merely its caretaker and that the Town of Killingworth truly "owned" it. She entrusted John with the belief that he would do the right thing with the building and preserve its significance.

In Opposition of the Application: None.

Summary:

Attorney Beatty stated that approving this application would align with the Town’s Plan of Conservation and Development by preserving a historic building within a commercial district. He emphasized that maintaining the commercial viability of the site is crucial, and Mr. Beardino’s goal is to keep the structure intact while making it more economically sustainable and successful for everyone.

The Public Hearing Ended at approximately 7:25 p.m.

Special Planning and Zoning Meeting Started at approximately 7:26 p.m.

Seating of Alternates: Alec Martin seated for Brice McLaughlin.

Brief Public Comments:

- Jonathan Norton, a resident of Killingworth since September 2011, spoke about his family's plans to build a home on a portion of the property near 279 Roast Meat Hill Road. He emphasized his commitment to preserving the integrity of the historic farmlands currently owned by Jack B. Coy LLC, Michael Perkin. Mr. Norton attended the Inland Wetlands Commission meeting the previous week, where Bob Doane was identified as the engineer of record. He noted that ACS performed an archaeological survey in November, and Bob recently submitted finalized site plans and Inland Wetlands Commission drawings outlining Mr. Perkin’s proposed work as part of the formal subdivision approval process.

John spoke of a letter of support which he will submit from his neighbor, Jerry Markham, highlighting efforts to maintain native pine trees near the property and minimize clearing operations. Mr. Norton aims to submit a full application for the March meeting and expressed a willingness to have early reviews of the drawings to ensure compliance. He noted that they hired Beth Gazat to ensure all plans and submittals adhere to State statutes, Killingworth’s Subdivision Regulations, and Wetlands Commission requirements.

Approval of Minutes of January 21, 2025:

The Minutes were ***Tabled*** until the next Planning and Zoning Commission Meeting.

Discussion - At the Commission's request, more language will be added in the Minutes prior to the next Board meeting..

Communications and Bills:

a. Newsletter and Conference Invite from CT Federation of Planning and Zoning Agencies

Chairman McGuinness reported that he emailed the Commission two documents: a Newsletter; and a Conference Invitation that occurs every Spring where The Connecticut Federation Planning and Zoning holds a Spring Banquet recognizing people with Awards also speaking about Planning and Zoning.

Old Business:

a. Active Adult Community Regulations

The Commission and Linda reviewed the Active Adult Community Regulation and discussed various suggestions. The Commission examined the 10-acre minimum requirement for unit owners and considered researching regulations from surrounding towns to gather input on best practices. A key discussion point was the New Hartford Fair Housing Act, which prohibits discrimination in housing against families with children under 18. The Commission noted that the proposed regulation states that no residents under 18 are allowed, raising questions about compliance with fair housing laws. The discussion included whether exceptions to the Act could be applied to certain communities and whether this needed to be explicitly addressed in the regulation.

The Commission discussed various aspects of the Active Adult Community Regulation, including unit density, amenities, and road maintenance as well as the following:

- The original reference to a maximum of five units per acre was reconsidered, and it was the Consensus of the Commission to remove this limitation;
- Closer unit placement and potential dwelling requirements;
- The approach to amenities was also debated, and it was decided that these would be handled on a case-by-case basis through a special exception process rather than setting rigid requirements;
- Linda introduced two new definitions, which will be included in the definitions section and simply referenced within the regulation itself. It was confirmed that these should be placed under Section 504;
- Private road maintenance and upkeep, ensuring clarity on responsibilities for future developments;
- The Commission explored ways to encourage and entice developers while maintaining regulatory standards that ensure both feasibility and economic viability;
- Considerations were made regarding recreational facilities and open space, with distinctions drawn between designated open space and areas left in their natural state.

The Commission agreed that many of these elements should fall under the “Special Exception” section of the regulations to allow flexibility in development.

b. OWF’s Regulation

Chairman McGuinness reported that Linda had previously formatted the Outdoor Wood Furnaces (OWF) regulation section into the proper regulation format. Next Steps will be for the regulations to be sent to Attorney Branse for a final review of legal sufficiency. Once Attorney Branse signs off on them, a Public Hearing will be scheduled, with all necessary notices sent to adjacent towns, including RiverCog. Linda requested that the Commission provide their individual feedback by a specified deadline.

c. Consideration of Application, Special Exception, 249 Route 81:

Geoffry Cook *Moved* and Bill Tobelman *Seconded* a motion to approve the Application, Special Exception, of 249 Route 81 for the conversion of the 3 single rooms into 3 1-bedroom suites, with a modification of the site plan to show the additional entrances, walkways, and any planned landscaping corrections to the drawings indicating the proper window count, Health Department approval and DOT approval, if required.

Motion unanimously approved [6-0-0].

Zoning Enforcement Officer's Report:

Linda reported that she circulated the definition of "floor area" and is seeking feedback from the Commission on whether to include it in the upcoming regulation changes. She also suggested that the next priority should be addressing accessory about apartment regulations, as there have been frequent inquiries on the topic. Linda noted that the State does not always provide clear guidance on this issue.

New Business:

a. Site Plan: 143 Cow Hill Road, 2 bedroom Caretakers Cottage

Linda reviewed the Site Plan of 143 Cow Hill Road with the Commission noting the following:

- Its an accessory dwelling unit, two bedroom, referred to as a "Caretaker's Cottage";
- 41 acres property, about 300 feet back from the road, using the existing driveway;
- Approximately 853.53 square feet;
- One-bath with an additional 196-square-foot screened porch with all separate utilities;
- The placement preserves a stone wall between the main house and the new unit, avoiding the need for demolition;
- The applicant has completed all necessary septic testing and has received approval for a septic system;
- There were some discrepancies in the main house's square footage, which were noted for correction.

Thomas Hogarty *Moved* and Geoffrey Cook *Seconded* a motion to approve the Application of 143 Cow Hill Road, Site plan to add a 2 Bedroom Caretaker's Cottage as presented.

Motion unanimously approved [6-0-0].

Report of Officers and Subcommittees: No Report.

The Special Meeting Ended at approximately 8:11 p.m.

The Commission went into Executive Session at approximately 8:15 p.m. inviting Judy Brown and Linda Kieft-Robitaille, Jack Bradley and Trent Kaisen to participate.

Executive Session, Update on Running Brook Farms, Pending Litigation:
The Commission was provided an update regarding Running Brook Farms.

Adjournment:

Chairman McGuinness adjourned the meeting at approximately 9:10 p.m.

Respectfully Submitted,

Jamie Sciascia
Clerk