

Special Minutes of Meeting No. 12145
Killingworth Planning & Zoning Commission
Tuesday, March 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, William Tobelman, Julie Phelps (Seated for Geoffrey Cook), Stephanie Warren (Seated for Brice McLaughlin), and Mike Drew

Commission Members Not in Attendance: Brice McLaughlin, Geoffrey Cook, Alec Martin (Alternate)

Visitors: Linda Kieft-Robitaille (ZEO), Joan Gay, Jonathan Norton, Beth Ann Grassette, Esq., Bob Doane, P.E. (Doane Engineering), Eugene Gargiulo (Gargiulo Construction) and Jamie Sciascia (Via Remote)

Call to Order: The meeting was called to order at 7:00 PM. by Paul McGuinness, Chair.

Visitors – Brief Public Comments: None.

Minutes of January 21, 2025 and February 18, 2025:

Tom Hogarty *Moved* and Bill Tobelman *Seconded* a motion to approve the Minutes from the Regular Meeting of the Planning and Zoning Commission of January 21, 2025 with the following Amendment made by Bill Tobelman:

1. On Page 1, Under Minutes of December 17, 2024 Meeting, first Motion replace “Cook” with “Hogarty” which should now read “Thomas Hogarty *Moved*”

Motion unanimously passed [6-0-0].

Bill Tobelman *Moved* and Tom Hogarty *Seconded* a motion to approve the Minutes from the Public Hearing and Special Meeting of the Planning and Zoning Commission of February 18, 2025 as presented.

Motion unanimously passed [6-0-0].

Revote on February Meeting’s Notice of Decision:

Chairman McGuinness reported that due to a procedural oversight, specifically, the Notice of Decision not being posted in time under FOIA, Town Clerk Mooney recommended that the Commission re-vote to formalize the previous approvals that took place during the February 18, 2025 meetings which would ensure that everything is legally compliant and properly documented.

Tom Hogarty *Moved* and Stephanie Warren *Seconded* a motion to approve the following two Applications: 1) 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; and 2) Application of 143 Cow Hill Road, Site plan to add a 2 Bedroom Caretaker’s Cottage as presented.

Motion unanimously passed [6-0-0].

Communications and Bills:

a. 2025 CT Land Use Webinar (March 22, 2025)

- The Commission received correspondence for the 2025 CT Land Use Webinar scheduled for March 22, 2025.

b. CT Federation of Planning and Zoning Agencies

- The annual dues in the amount of \$130.00 for the Connecticut Federation of Planning and Zoning Agencies (CFPA) was signed and submitted for payment. This membership ensures the Commission will continue to receive newsletters and relevant communications.

Old Business:

Active Adult Regulation

Joan Gay to Present Housing COA

Joan Gay, Chair of the Committee on Aging, presented an update on the Affordable Housing Report to the Commission:

1. Clinton – Pierson School Conversion

- Redevelopment of the former Pierson School into affordable housing units
- In early planning stages, not yet in development
- Town of Clinton issued an RFP following approval by the Town Council. RFP includes purchase of the property

2. Old Saybrook – Ferry Crossing

- Dedicated affordable rental housing development
- Property conveyed by the State of Connecticut to the Town of Old Saybrook
- Town retains ownership
- Hope Partnership Role: Holds a 75-year land lease on the property

3. Centerbrook – Lofts at Spencer’s Corner

- Mixed-income housing conversion from private office condominiums
- Hope Partnership purchased a 50% stake, remaining 50% owned by private owners
- Project required buyouts from multiple owners
- 28 total units, 7 are rented at market rate, the rest are affordable units

4. Madison – Wellington Project

- Affordable housing development
- Land was purchased by the Hope Partnership from a private owner

Discussion on Draft Regulation

- Chair Gay suggested dedicating a portion (either a percentage or a set number of units) to affordable housing in new projects/developments noting the current affordable housing percentage is only 0.77% in Killingworth, which is well below the State’s recommended 10%;
- Residents, especially Seniors, are leaving Towns similar to Killingworth because there are no suitable housing options for them in order to downsize;
- The Commission discussed how to encourage developers to include affordable housing noting the possibility of requiring too many affordable units may deter private developers;
- Discussed exploring Town-owned land for affordable housing projects as an avenue;

- Discussed the possibility in the future of Carla Lindquist, from Hope Partnership, providing insight with potential opportunities, available properties, and funding sources.

Tom Hogarty *Moved* and Bill Tobelman *Seconded* a motion to schedule a Public Hearing on the proposed Active Adult Community Regulation for Tuesday, April 15, 2025 at 7:00 p.m.

Motion unanimously passed [6-0-0].

b. OWFs Regulation

Ms. Kieft-Robitaille reported that the OWWs Regulation is ready to proceed, however noted that the Commission is waiting on legal guidance from the Town’s Attorney. Discussion took place whether to proceed with a Public Hearing or wait until the Running Brook Farms matter is resolved. The Commission agreed that no final action will be taken until a recommendation is received from the Town’s Attorney.

c. Definitions:

Ms. Kieft-Robitaille reported about zoning definition updates, emphasizing the need to clarify certain terms that are currently unclear from the regulations. The Commission discussed the Floor Area Definition for Accessory Apartments in length:

- To establish a consistent method for calculating floor area, particularly to determine the size of accessory dwelling units -
- The Commission reviewed Hogarty’s proposed suggestions:
 - Includes space with a minimum ceiling height of 7 feet, measured vertically from a finished floor;
 - Excludes areas under eaves, unheated attics, cellars, utility rooms, garages, and enclosed porches;
 - Only count space connected by a permanent, fixed interior stairway;
 - 7-foot minimum aligns with ANSI Square Footage Standards;
 - Must be heated and a finished space to qualify.

Ms. Kieft-Robitaille reported a steady increase in inquiries regarding Accessory Apartments noting approximately one per week.

- Many applicants requested 1,000 square feet, with two-bedroom layouts becoming more common;
- Ms. Kieft-Robitaille is working on updating Accessory Apartment Regulations to ensure compliance with State requirements;
- Setback regulations were noted as ambiguous, particularly regarding what is or is not allowed within setbacks. Common inquiries involve placement of:
 - Propane tanks (in-ground or above-ground);
 - Generators;
 - Regulations are “silent” on whether these can be placed within setbacks;
 - Safety concerns arise when tanks or generators are placed close to property lines, particularly near neighboring wells or septic systems;
 - There may be conflicts between Town zoning and other applicable safety or fire codes;
- Ms. Kieft-Robitaille asked the Commission to consider whether changes are needed to explicitly allow or restrict certain items in setback areas;
- Ms. Kieft-Robitaille will begin drafting updated definitions and Accessory Apartment Regulations to be in compliance with the State;

- The Commission will review any definitions they find unclear as well as provide feedback to Ms. Kieft-Robitaille for further review;
- Ms. Kieft-Robitaille recommended waiting until all definitions are reviewed to hold a Public Hearing. The Commission concurred.

d. Housing

The Housing Update was discussed in Item C 6A above.

Zoning Enforcement Officer’s Report:

Ms. Kieft-Robitaille reported that Accessory Apartments continue to be a “hot topic”, with many residents inquiring about adding or creating them on their properties. In addition, a number of residents are exploring the possibility of subdividing their land. While building permits have decreased recently, they are expected to increase again as the season changes.

New Business:

a. 253 Route 80 – Discussion on New Apartments

The Commission discussed the proposed 253 Route 80 development, focusing on zoning regulations, affordable housing requirements, and the potential for amending existing regulations to allow an 18-unit standalone residential building. Eugene Gargiulo, the developer, expressed strong concerns about including affordable housing in the new building at 253 Route 80, citing the following reasons:

- Depreciation of property value when affordable units are included;
- Lack of financial assistance from the State and/or local government;
- Existing contributions to affordable housing in his current properties:

257 Route 80 (Back Building):

- 16 residential units
- 6 units currently designated as Affordable Housing

255 Route 80 (Front Mixed-Use Building):

- Ground floor: Commercial space
- Upper floors: 6 residential units
- Rents set at \$1,400/month (with utilities), potentially qualifying as affordable under current guidelines

Eugene proposed designating all 6 units in the front building (255 Route 80) as affordable, in exchange for not requiring affordable units in the new 253 Route 80 project.

Proposed New Building – 253 Route 80:

- Planned as a standalone residential building (not mixed-use)
- 18 total units, First floor plus two upper stories
- No elevator due to prior maintenance and cost issues in similar buildings;
- Current commercial zoning does not permit standalone 18-unit residential buildings.

The Commission and Eugene Gargiulo explored multiple potential approaches for moving this development project forward. Instead of redrawing zoning boundaries, which was considered a “slippery slope”, the Commission and Ms. Kieft-Robitaille proposed the following:

- Amend the existing Commercial Zoning Regulations to permit multi-unit residential buildings (up to 3 stories) by adding it as an allowed use within the commercial zone;

- Ms. Kieft-Robitaille will work closely with Eugene Gargiulo to draft this Zoning Amendment Language;
- Site preparation including clearing and planning for the foundation will continue concurrently as zoning issues are addressed.

The Commission **Tabled** the discussion until the next meeting. The Commission also agreed to revisit the proposal once a formal zoning change draft is submitted.

Solar Array:

Eugene Gargiulo advised that the Solar Array is ready for activation following all required inspections conducted by Karl Auer, the Building Official. Eugene Gargiulo raised concerns about unauthorized access, particularly from vehicles turning around or parking near the Array. He proposed the following:

- Front of Facility: Adding a 4-foot galvanized chain-link fence with privacy screening, placed behind the existing stone wall;
- Adding a total of four 16-foot-wide Swing Gates which would provide sufficient clearance for emergency vehicles;
- Discussion on whether to lock the gates or leave them unsecured. Mike Drew suggested a Knox Box system, but it was agreed that bolt cutter access is sufficient for emergency responders;
- Architectural bollards will be installed near fire truck access areas to prevent accidental damage to the Solar Array;
- The system operates at low voltage, and there are no shock or safety risks to the public.

Next Steps: Confirm with Karl Auer, the Building Official, that the final fencing and gate plans comply with Safety and Zoning regulations.

b. Application #392 2-Lot Conservation Resubdivision at M.28 L.59A Roast Meat Hill Rd.

Jack B Coy, LLC Applicant

- Open Space Conservation Plan Total area: 29.82 acres
- Lot 1 - 26.4 acres, wraps around Lot 2 and connects to Reservoir Rd.
Lot 2 - 3.4 acres, Future Homeowners: Jonathan & Lindsay Norton, who plan to build a previously approved house;
- 30% of the property will be designated as Open Space (same as a prior 2023 subdivision that expired);
- Conservation restriction instead of a full land conveyance: May be held by the local Land Trust or by the Town of Killingworth if no agreement is reached with the Land Trust;
- No public access will be allowed;
- The Commission is requiring a final Conservation restriction document before approval;
- The Wetlands Commission agreed needs to formally approved at their meeting in April;
- Lot 2 Septic plan has been approved;
- Utility easements will be established when underground utilities are installed;
- Conventional lot yield analysis (previously done in 2018);
- The Commission reviewed four requirements under Section 500-53 (A-D) to confirm the project meets conservation subdivision criteria:
 - A. Located in a rural residential district (**Confirmed**);
 - B. Unique land features present (stream, historical significance) (**Confirmed**);
 - C. Minimum 20 acres, 15 acres of soil class A, B, or C (**Pending documentation**);
 - D. Meets Frontage Requirements (**Confirmed**).

Tom Hogarty *Moved* and Mike Drew *Seconded* a motion that Application #392 qualifies as a Conservation Subdivision with the condition that they provide information for Section 500-53C, proof that at least 15 acres shall belong to Soil Class A, B or C.

Motion unanimously passed [6-0-0].

The Commission discussed whether to hold a Public Hearing on the Subdivision since it is not required, however, they voted to schedule it now to allow Community input.

Tom Hogarty *Moved* and Bill Tobelman *Seconded* a motion to schedule a Public Hearing on Application #392 2-Lot Conservation Resubdivision at M.28 L.59A Roast Meat Hill Road for Tuesday, April 15, 2025 at 7:00 p.m.

Motion unanimously passed [6-0-0].

Report of Officers and Subcommittees: No Report

The P&Z Special Meeting Ended at approximately 8:33 p.m.

The Commission went into Executive Session at 8:35 p.m.

Executive Session, Update on Running Brook Farms, Pending Litigation:

The Commission was provided an Update on Running Brooks Farms.

Adjournment: Chairman McGuinness adjourned the meeting at approximately 8:40 p.m.

Respectfully Submitted,

Jamie Sciascia
Clerk