

Minutes of Public Hearing & Regular Meeting No. 12147
Killingworth Planning & Zoning Commission
Tuesday, May 20, 2025 at 7:00 PM
Killingworth Town Office Building
323 Route 81, Killingworth/Remote Access

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

Commission Members Not in Attendance: Brice McLaughlin

Visitors: Linda Kieft-Robitaille (ZEO), Beth Ann Grassetto, Esq., Bob Doane, P.E. (Doane Engineering), Eugene Gargiulo (Gargiulo Construction), Rick Darin (KVFC/Via Remote), Matt Herman (KVFC/Via Remote), and Jamie Sciascia (Via Remote)

Call to Order: The meeting was called to order at 7:01 PM. by Paul McGuinness, Chair.

Public Hearing and Consideration of Application #392, Jack B. Coy, LLC. The property location is: M.28 L.59A Roast Meat Hill Road, Killingworth, a 2-Lot Conservation Subdivision.

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.

Bob Doane presented the revised Subdivision Plans and acceptance of an easement by the Killingworth Land Conservation Trust related to Application #392, Jack B. Coy, LLC. The property location is: M.28 L.59A Roast Meat Hill Road, Killingworth, a 2-Lot Conservation Subdivision. The revised plans were submitted for review to the Board with Bob making some adjustments based on Commission feedback.

Chair McGuinness read a letter from the Killingworth Land Conservation Trust confirming the Board voted to Accept the Offer of an Easement from Jack B. Coy, LLC, pending the Planning & Zoning Commission Approval. The letter also stated the Land Trust would be willing to accept the land itself, if the P&Z Commission so decides. Commission Members suggested that the letter should clarify what documents were reviewed, possibly attaching the plans as exhibits or referencing them specifically. Attorney Karen Perry (Land Trust Counsel) indicated she is open to making these clarifications, and revisions to the letter will be made accordingly. The Commission raised several questions regarding the status of the sheds on the property and it was clarified that the intention is to maintain the sheds, and their locations are currently under review by the Inland Wetlands Commission for approval.

In Support of the Application: No members of the public voiced support of the Application.

In Opposition of the Application: No members of the public were opposed to the Application.

Summary: Bob Doane (for the Applicant) provided no additional comments.

Tom Hogarty *Moved* and Mike Drew *Seconded* a motion to close the Public Hearing at 7:22 p.m.

Motion unanimously passed [6-0-0].

Hybrid Regular Planning and Zoning Commission Meeting

Called to Order: The Hybrid Regular Meeting was Called to Order at 7:23 p.m. by Paul McGuinness, Chair.

Seating of Alternates: Alec Martin seated for Brice McLaughlin.

Brief Public Comments: None.

Approval of Minutes of April 15, 2025:

Tom Hogarty *Moved* and Geoffrey Cook *Seconded* a motion to approve the Minutes from the Public Hearing and Hybrid Regular Meeting of the Planning and Zoning Commission that was held on April 15, 2025 with the following amendments made by Bill Tobelman and Chairman McGuinness as follows:

1. Replace "Birken" with "Burken" noted on Page 1 and Page 2; and
2. On the First Page, Under Visitors, replace "Nortan" with "Norton"

Motion unanimously passed [6-0-0].

Communications and Bills:

- a. **Referral Letter, Over-55 Housing** - A referral letter was received regarding Over-55 Housing.
- b. **Halloran and Sage Invoices (#1: Jack B. Coy & #2: Papoosha - Running Brook Farms)** - Invoices from Howard and Sage were received for work supporting the Commission on both the Running Brook Farms and Jack B. Coy.
- c. **Clerk's Invoice** - Approved and submitted for processing earlier in the evening.

Old Business:

- a. **Application #392 2-Lot Conservation Subdivision at M.28 L.59A Roast Meat Hill Rd. Jack B. Coy, LLC Applicant**

The Commission held a continuation of a hearing Application #392, a 2-Lot Conservation Subdivision at M.28 L.59A Roast Meat Hill Road prior to this meeting.

Tom Hogarty *Moved* and Mike Drew *Seconded* a motion to approve Application #392, 2-Lot Subdivision on Roast Meat Hill Road, with the condition and understanding that the approval would not in any way relieve the applicant from any outstanding wetlands violations and non-permitted sheds violations that may be present at this time and that may be subject to enforcement by the Inland Wetlands Board.

Approval is also subject to the following conditions:

1. Submission of a revised plan reflecting the requirements of a Conservation Subdivision;
2. A letter from the Land Trust confirming acceptance and referencing regulations dated 5/2/2025;
3. Inclusion of a Legal Description with the Plan Revision Date of 5/2/2025:
 - a) Put a note on the plans that it is a Conservation Subdivision; and
 - b) Updating the Zoning Compliance Chart to reflect R2, per official zoning regulations.

Motion unanimously passed [6-0-0].

The Commission expressed satisfaction at wrapping up the matter and gratitude to Bob Doane. Bob mentioned he would deliver the two final changes the next day to the Commission.

b. Active Adult Regulation - Public Hearing Scheduled for June 17, 2025

Chairman McGuinness reported that the public hearing on the proposed Active Adult (55+) Housing Regulation has been postponed due to one of the required legal notices being published a day late. McGuinness further stated that since the hearing had not yet been opened, the Commission may legally reschedule it, noting the new hearing date has been rescheduled to June 17th.

c. OWFs Regulation

Ms. Kieft-Robitaille reported on the following:

- 1) No updates at this time; awaiting guidance from legal counsel; The delay is likely due to an effort to avoid confusion with the ongoing Running Brook litigation, which is being prioritized;
- 2) No new permit applications related to OWFs have been received.

d. Definitions - Floor Space

Ms. Kieft-Robitaille reviewed the floor area definition with the Commission:

“that area which has a minimum headroom of seven feet when measured vertically upward from a finished floor, but in the area next below the roof, such space shall be counted only if it is connected with the floor below by a permanent fixed inside stairway, basement rooms, garages or any other form of attached structure, cellars, rooms for heating equipment, and open or enclosed porches shall not be included.”

Ms. Kieft-Robitaille further noted:

- The seven-foot standard aligns with ANSI guidelines, which are widely used in real estate and property appraisals to determine livable square footage;
- The square footage of the main dwelling versus that of an accessory apartment: The main dwelling’s floor area is used to calculate percentage-based size limits for an accessory apartment;
- The Commission discussed that the requirement for an interior stairway applies only to finished attic spaces being counted toward the main dwelling area, not a requirement for the accessory apartment itself. Interior stairs leading up to an apartment (e.g., over a garage) do not count toward the unit’s square footage;
- Ms. Kieft-Robitaille will email the floor area definitions to the Commission in order to review them and submit comments ahead of the next meeting. If there is consensus on certain points, changes can be made before the meeting to streamline the review.

Housing

- Despite numerous housing and zoning bills, none have advanced as of this update;
- There is currently no movement on any Legislation related to housing.

Zoning Enforcement Officer's Report:

Ms. Kieft-Robitaille reported recent work on regulations, particularly those related to accessory apartments and commercial zoning updates. There has been a notable increase in inquiries from property owners looking to subdivide land to create additional lots: Approximately 4-5 different parcels have been reviewed recently with some property owners creating lots for family members, while others are doing so to sell for income.

Ms. Kieft-Robitaille raised a question about changes of use in commercial spaces, such as: Adding catering operations; 2) Hosting outdoor dining; 3) Organizing BYOB events. Ms. Kieft-Robitaille advised a Mother's Day BYOB event with live acoustic music held in a tent at Café Laurel. The Commission discussed:

- Whether the BYOB and special events should come under their review since generally, if the use remains similar, the Commission does not get involved;
- BYOB may represent a change, especially if its repeated or paired with music/events;
- There's a concern about one-time event becoming recurring, potentially changing the nature of the property's use;
- Should BYOB be considered a "change of use";
- Ms. Kieft-Robitaille advised the owner of Cafe Laurel if she wishes to obtain a new beer and wine license, she will need to come before the Commission for approval;
- Chair McGuinness and Tom Hogarty recommended that the case be brought in for review.

New Business:

Regulations:

a. Commercial Zone: Changes to permitted uses

Ms. Kieft-Robitaille introduced a proposed zoning text amendment on behalf of Eugene Gargiulo, who was present at the meeting. The proposal, developed with his attorney, seeks to allow residential apartments within the Large Commercial District under clearly defined conditions. This would enable Mr. Gargiulo to construct a new mixed-use building that includes residential units.

Residential apartment buildings may be permitted in the Large Commercial District provided that:

- The building is new construction;
- The total number of residential units is limited to 18;
- The development must comply with Section 569.B.10, which outlines mixed-use requirements;
- Buffer strip and maximum building height regulations will still apply;
- No residential units are allowed on basement levels, and there's discussion around whether they can be on first floors;
- A note was made that first-floor restrictions may be lifted, depending on final language;
- The draft is a modification of Section FB-50, originally created for other mixed-use regulations;
- Minimum unit size language (e.g., 500 sq. ft.) has been removed;
- Now, residential units must simply meet State Building Code, local zoning cannot restrict size further if a unit meets those standards;

- The proposal includes a provision for Electric Vehicle infrastructure, aligning with recent and upcoming State Legislation;
- Current State law requires EV infrastructure for any project with 30 or more parking spaces;
- The Commission noted uncertainty about pending Legislation that could eliminate minimum parking requirements, making this EV clause a forward-looking precaution;
- Ms. Kieft-Robitaille will email the draft to Stephanie Warren and Alec Martin;
- The Commission will review and submit comments to Ms. Kieft-Robitaille before the next meeting.

b. Accessory Apartments

Ms. Kieft-Robitaille has nothing new to add since the topic of Accessory Apartments was previously discussed earlier in the meeting.

c. Angela MacCullum 187 Route 81

Discussion on permitted uses: Possible Food Truck

Ms. Kieft-Robitaille reported Angela McCollum's interest in operating a temporary food truck during her restaurant's renovation, which is the old Cooking Company Restaurant. Angela also rents two other units in the back building. No formal application has been submitted, however; the purpose of the discussion was to explore potential issues and gather feedback. The Commission discussed questions/concerns with:

- The Commission confirmed as it stands, food trucks are not allowed under existing zoning;
- Tom Hogarty brought forth a similar comparison in Madison, where a food truck issue arose a few years ago where the situation eventually fell under the authority of the Board of Selectmen, not the Planning & Zoning Commission;
- The Board of Selectmen in Madison ultimately resolved the matter, setting guidelines for food truck operations in that town;
- Tom Hogarty suggested that the Commission review Madison's approach for ideas on how to handle similar requests;
- A primary concern of the Commission was whether McCollum would be required to provide a public restroom for the food truck operation;
- Questions arose about feasibility, especially since her main facility is under renovation;
- The Commission noted uncertainty in the regulations and discussed the importance of determining whether similar operations had been allowed under such conditions;
- The donut truck near Dino's in Madison was mentioned as a comparable case, prompting questions about how that setup was permitted; Also, The Hot Dog Stand was referenced as a local precedent, although it was stationary and not a mobile unit; Farm stands are currently permitted, but McCollum's proposal doesn't align directly with either model;
- The Commission considered what might happen if the food truck becomes successful, noting several possible future developments;
- Possible continued operation on-site after renovations;
- Possible Relocation to Parmelee Farm for weekend events;
- Use of the restaurant kitchen for prep, with food sold via the truck;
- These possibilities raised additional concerns about long-term zoning compliance, use classification, and whether further approvals would be required;
- The Commission agreed that although this is a new scenario, they may not need to "reinvent the wheel" existing frameworks could be adapted.

Next Steps: First Selectman Couture will confirm with the First Selectwoman, in the Town of Madison, Peggy Lyons, in order to gather insight into how Madison regulates food trucks today, as they continue to allow them on a limited basis.

d. 8-24 Municipal Improvement Referral: 30 x 40 heated vehicle storage building for fire department

The Commission discussed a proposed municipal project to construct a 30' x 40' steel storage building behind the Firehouse. This structure would serve as additional equipment storage for the Fire Department and potentially other municipal uses in the future which would include:

- The proposed structure is expected to be a metal or steel-clad building;
- The Commission discussed whether zoning regulations restrict metal-clad buildings. A review of the regulations revealed no clear language prohibiting or limiting such structures. It was noted that regulations may not allow aesthetic-based restrictions unless explicitly stated;
- Examples were mentioned of other metal-sided buildings in town (e.g., a garage and a hardware store), which may have been approved under similar circumstances;
- The Commission agreed that a steel building would likely be the most practical and cost-effective option for this need;
- There was support for the idea that the structure could serve multiple municipal functions over time, beyond the immediate needs of the Fire Department;
- Heated storage was emphasized as a critical need, especially for equipment that cannot be stored in the barn, which is unheated and better suited for less sensitive items;
- This matter will return for formal action once the site plan and application materials are completed.

Report of Officers and Subcommittees: No Report.

Adjournment:

Chairman McGuinness adjourned the meeting at approximately 8:05 p.m.

Respectfully Submitted,

Jamie Sciascia
Clerk

LEGAL NOTICE OF PUBLIC HEARING
Town of Killingworth, Planning & Zoning Commission

The Killingworth Planning & Zoning Commission will hold a Public Hearing at the Town Office Building at 7:00 p.m. on Tuesday, May 20, 2025, regarding the following Regulation:

To Approve the Text Amendment to the Killingworth Zoning Regulations to add a new regulation: Active Adult Community and related definitions. Article XXXIX will allow for variations to a conventional subdivision in density, type of dwellings and residential use facilities, in order to promote the development of housing for older persons and to provide for the preservation of open space land.

CANCELED

