

Minutes of Regular Meeting No. 1207 of the Killingworth Planning & Zoning Commission held on Tuesday, March 15, 2022 at 7:00 PM by Go-To-Meeting

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Planning and Zoning

Tue, Mar 15, 2022 7:00 PM - 9:00 PM (EDT)

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### MEETING AGENDA

1. Call to Order

Chairman Lentz called the meeting to order at 7:00 PM. Members present and seated were Lentz, Hogarty, Cook, Tobelman. Alternate Warren seated and Alternate Martin seated until McGuinness arrival at 7:05 PM. Alternate Drew was present but not seated. ZEO Talbot arrived at 7:08 PM.

2. Minutes of February 15, 2022

**Motion by Cook, second by Warren, to approve February 15, 2022 Minutes amended as follows: Lentz noted the following should be added to the February minutes. The Fire Department noted there wouldn't be final approval until the fire tank was put in. Martin noted he recalled the owners were going to do an interim plan. Cook stated what was in the Minutes was accurate regarding an interim plan. Once the plan was decided, they would bring it back to the Commission. Final approval wouldn't be given until the fire tank is put in. Approved with Martin abstaining.**

3. Visitors – none.

4. Communications and Bills – none.

5. Old Business

Lentz noted with regard to the fire tank, Mr. Howey, owner of the lot, had emailed Talbot indicating he was working on the interim plan but it was taking more time than he thought. Lentz noted Attorney Branse wouldn't have to attend but in the future he should come to clarify legal issues.

6. New Business – none.

7. Zoning Enforcement Officer's Report

(a) 219 Route 80 Letter

Lentz noted there were two issues – they have exceeded the processing of wood and are not adhering to previous approvals and conditions. Logs were to have been stored out of sight and there are mountains of wood and mulch. Warren asked specific questions about the emerald ash borer and what percentage of mulch was in the bins and what percentage was on the grounds. Their response was when we have a lot we take it to Deep River. It was noted the ash borer can exist in the mulch. We should get some documentation from DEP regarding the ash borer. Lentz noted they were allowed to use the wood for the wood burning furnace and allowed to store mulch in the bins which would be for sale. They have gone way beyond that. Drew noted when they requested the Special Exception they were to get 4 weeks within a 3 month period. They requested the full 3 months. The Commission approved that. We need documentation as to how much material is going to Deep River and when. There's quite a bit of material there now. ZEO Talbot noted the Commission should approach them about that. He approached them about the furnace and the smoke and also talked to them about that big pile of logs along the highway. He was assured that would all be gone by the end of this month. Talbot stated he would wait until the end of the month. There are all kinds of issues from a zoning enforcement point of view. He was concerned about the last Special Exception. The regulations are very specific about the times they can operate. He didn't think the Commission had the authority to give the whole 4 months and felt that should be done by the ZBA. He was going to go back and see what had been approved in the past. Lentz noted the Commission has bent over backwards and they always go way beyond what is approved. Talbot noted he doesn't think the furnace is the same one shown on the site plan. Regulations require zoning and building permits. Lentz agreed Talbot should pursue that matter.

Lentz also noted the café was expanded into a larger affair. This has not been approved by the Health Department to sell food. Talbot noted he issued a zoning permit but they don't have health approval. The Health Department will contact them.

Lentz noted they have a permit to grow hemp but not to sell. There is a question as to whether they are selling cannibis without a license. The Commission approved the café but it had to go through the Health Department. They are also serving "craft cocktails". Does that require a liquor license. Talbot will research that matter.

Talbot will check with the Health Department and Attorney Branse about the sale of marijuana. There was discussion regarding dispensaries and retail sales. Growing of hemp was also discussed. Hemp growing is an agricultural operation.

Lentz noted they had approached the Commission about a micro cultivator and we asked them to come back but they never did. They may have a permit from the State. Lentz suggested Talbot contact Attorney Branse.

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(b) 17 Pond Meadow, NOV

Letter was sent to owner regarding accessory apartment.

(c) Burr Hill Road

Cease & Desist Order sent to Burr Hill Road regarding construction equipment. Letter was ignored and this is being pursued in court.

(d) Dunkin Donuts

There was discussion regarding the flags and balloons. Talbot noted all the flags and balloons have come down.

**8. Report of Officers and Subcommittees**

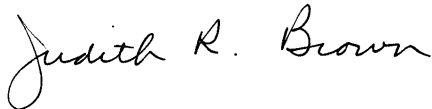
Hogarty noted he sent out an annex to the Regional Plan and received about 15/16 responses. Not much from the Housing Committee. There is a Housing Committee meeting tomorrow where comments will be addressed. At that meeting Planning & Zoning members should dial in. Drew will send out notices to P & Z members of that meeting. He is Housing Committee Chairman.

Warren reviewed feedback from the Regional Planning Committee. Killingworth had 42 people show up. Hogarty noted there were 600 responses to the attached survey.

**9. Adjournment**

There being no further business, the meeting adjourned at 7:32 PM.

Respectfully submitted,

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

Judith R. Brown, Recording Secretary