

AGENDA

1. Call to Order

Chairman Lentz called the meeting to order at 7:01 PM. Members present and seated were Lentz, Hogarty, Cook, Mcguinness, McLaughlin, Tobelman. Alternates present but not seated were Drew and Warren.

2. Minutes of Regular Meeting December 20, 2022

Motion by Hogarty, second by Cook, to approve December 20, 2022 Minutes as written. PASSED UNANIMOUSLY.

Motion by Hogarty, second by McLaughlin, to add new #375 application to the Agenda and renumber existing #375 to #376 applications. PASSED UNANIMOUSLY.

3. Visitors

Others present included Tom Talbot, Richard Pleines, Sylvia Rutkowska, Becky Goetsch, Scott Papoosha, Eileen Unger, Laura Lefko, Bob Doane, SK, Faircloth, Brendan Crowley, Caller #1, Caller #2, Nancy Gorski, Catherine Iino, Donna Savino, Eric Nunes and Scott Casper.

First Selectwoman Gorski noted when visitors are present, the Commission should open the public hearing at the beginning of the meeting. ZEO Talbot noted people are allowed to show up but it's up to the Commission if they comment. Resident Scott Casper noted the residents on Patrick Drive are paying attention to now. Pleines noted there is no wetlands approval and the Water Company was not notified.

4. Communications and Bills

It was noted Application #376 was for expanding processing. The public hearing will be scheduled. ZEO Talbot noted his memo to Commission members addressed the Water Company and Inland Wetland issues.

5. Old Business – none.

6. Zoning Enforcement Officer's Report – none.

7. New Business

- a. #375 - Special Exception/Site Plan Approval – Papoosha Real Estate Investors LLC for Special Exception and Site Plan Approval, tree, log or brush processing business, Commercial District, Tax Map 28, Parcel 39, Zoning District C, 219 Route 80, Killingworth CT 06419 – schedule public hearing (renumbered to Application #376).

Application #376 was scheduled for a February public hearing. Wetlands approval will be needed and submission to the Water Company for comment. Goetsch asked if the Water Company should comment specifically on the grinding #375. Talbot noted they just need to make the Water Company aware.

New Application #375 – this is an application for the grinding period during January, February and March. This has been approved each year. They are permitted to do grinding for one month during that period. It ends on March 31st. They are asking for a renewal of this permit.

Chairman Lentz asked ZEO Talbot for his comments. Talbot noted he had sent a memo to Commission members outlining his comments having to do with the Water Company. 1) this application is in the water shed and requires notice to the Water Company. 2) Regarding wetlands, none of these permits issued over the years were preceded by a wetlands permit application or a permit. No record of wetlands approval at all. The application for next month does show activity within 100' of the wetlands area. Anything within 100' of the wetlands cannot be approved. 3) The Commission has authority to approve 4 weeks of chipping within a 3 month period. This application is asking for approval during all of the 3 month period. The regulation stipulates only 4 weeks during the 3 months. It might need ZBA approval too. It requires wetlands approval and water company approval. Chairman Lentz reviewed wetlands approval, water company approval, incorrect information in the application and the original site plan for the nursery.

Becky Goetsch noted they have been using this same language in these applications since 2015. They were just asking for permission for the 4 weeks this year. No extension this year.

Drew noted last year they removed 1000 yards on site. Some of it wasn't removed by April 1st, still on site. Goetsch noted material on site now is not the same material as before. Papoosha noted last 2 years there was a lot of material due to storms. Goetsch noted last year they removed a lot of stockpiled material. She indicated they were trying to get back to normal.

McGuinness noted the 5 bins were never constructed last year. Goetsch noted they were constructed but deconstructed and reconstructed now again. They are trying to respond to all issues and be better stewards.

Gorski noted this area is within the watershed area. There's lots of activity going on in town. We need to get Inland Wetlands to look at this, also the Water Company. Chairman Lentz noted the Commission needs letters from the Water Company and Inland Wetlands. This can't be approved without those letters.

Talbot noted it's a statutory requirement to notify Inland Wetlands and Water Company. What was submitted as a plan for this application is different from Inland Wetlands and the revised Special Exception. Goetsch noted this plan was the original plan with the 2015 application. Talbot noted the site itself is in the watershed. Goetsch noted they are not expanding processing, but trying to get more storage.

Bob Doane noted this is a renewal and you have to use the Special Exception that is in force, but the grinding is a renewal of the previous application. The new plan was from wetland approval back in 2005. There was a mylar.

Talbot noted the 2005 wetlands application was for the pond and to allow a portion of the greenhouses to be within 35 feet. The berm is nothing like what is being proposed now.

Goetsch noted Planning & Zoning approved last greenhouse structure without wetlands approval. Much of the 100' was not approved by Inland Wetlands.

Chairman Lentz noted the 2005 application did not include the processing. You now need approval from Inland Wetlands. This is a different application from the other application (expanded processing).

Motion by Cook, second by McLaughlin, to approve #375 which is renewal of the limited grinding period under 69C6. Discussion followed.

Chairman Lentz noted one option is to approve it with a number of conditions or we deny it because of absence of Inland Wetland and Water Company input. An unknown person stated the applicants could continue with what they have. All of a sudden now there are new rules.

Drew agreed it should be tabled until additional approvals from Inland Wetlands and Water Company. Application submitted contains a lot of inaccuracies. They were given conditions last year and none of those were met. Documentation requested was not received. We need Inland Wetlands and Water Company approvals first.

Cook asked if there was an advantage to have them withdraw this application rather than having it denied. Lentz indicated there was no difference either way. We would need this in writing.

Hogarty asked if there is not an active violation on this site. ZEO Talbot explained the first Cease & Desist Order and noted this can't be approved without wetlands approval. He advised the applicant to resubmit with wetlands approval. He reiterated it can't be approved without wetlands approval.

Hogarty asked if there was an active Cease & Desist Order. Talbot replied yes but it would have to be amended if going to Court. Hogarty noted he didn't think there could be an approval if there is an active violation in place. Talbot said he didn't think that was true. Hogarty felt this application should either be denied or withdrawn.

Attorney Sylvia Rutkowska, representing the applicant, noted after hearing what the Commission is recommending, the applicant is willing to withdraw the application. With respect to wetlands, the applicant will obtain the letters from wetlands. Atty. Rutkowska reiterated the applicant is willing to withdraw the application and resubmit when outstanding issues have been cured. Papoosha agreed to the withdrawal. #375 should be withdrawn. #374 has already been withdrawn. McGuinness noted the footprint of bins should be noted so the applicant can monitor this so as not to exceed the 1000.

Attorney Rutkowska agreed to a verbal withdrawal and will submit it in writing in the morning. This was agreed to.

Cook agreed to withdraw the motion to approve.

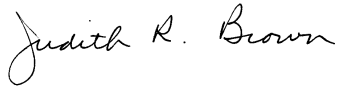
8. Report of Officers and Subcommittees

Chairman Lentz noted the Commission is looking for a new ZEO. ZEO Talbot will stay on until March. Hogarty, Gorski and Lentz interviewed a candidate who they were very impressed with. The Town just got another application from someone who has zoning experience. The Town is making inquiries on the new application and will set up a time to meet with that individual.

9. Adjournment

There being no further business, the meeting adjourned at 7:56 PM.

Respectfully submitted,

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

Judith R. Brown, Recording Secretary