

1. PUBLIC HEARING:

Amend Killingworth Zoning Regulations, ARTICLE IX Accessory Apartments [Amended 8-2-2011; 2-21-2012; 5-21-2013; 11-1-2016; 3-16-2021], submitted by Killingworth Planning & Zoning Commission.

The public hearing commenced at 7:00 PM. Commission members present were Lentz, Hogarty, McGuinness, Cook, Tobelman, Warren, Martin. Warren was seated for McLaughlin. Martin was not seated. Roger Nemergut and Faircloth? were also present.

McGuinness read the Legal Notice of Public Hearing into the record.

Chairman Lentz noted the hearing procedure will be to explain the regulation, read any correspondence and then ask for comments or questions.

Lentz noted this is the part of the Accessory Apartment Regulation for new septic systems in a detached building requiring 4 acres. There were 3 conditions listed in which the acreage could be reduced to two buildable acres. The question is do all 3 of these conditions have to apply. He didn't feel that was the Commission's intent. To correct this, only 1 of the 3 conditions will apply.

Chairman Lentz read a letter dated February 22, 2023 from J. H. Torrance Downes, Deputy Director, of the Lower Connecticut River Valley Council of Governments into the record. The letter stated there would be no significant adverse intermunicipal impact or adverse impacts to the ecosystem of Long Island Sound if this amendment were to be adopted as proposed.

Roger Nemergut suggested two changes to the 2nd condition as follows. Add "any portion" (Where "any portion" of the topography between the existing principal dwelling and the proposed accessory...). He also noted that 100% of the area would have to apply. The 2nd change would be to change the slope from 20% to "15%".

There was a brief discussion regarding the distance between the two dwellings. There were no further comments or questions.

It is noted for the record that McLaughlin arrived, therefore, Warren will no longer be seated.

Lentz noted the Commission didn't want all 3 of those conditions to apply, only one.

The public hearing concluded at 7:10 PM.

2. Call to Order

Chairman Lentz called the meeting to order at 7:11 PM. Those present and seated were Lentz, Hogarty, McGuinness, Cook, McLaughlin, Tobelman. Pleines arrived during the meeting at 7:15 PM.

Motion by Cook, second by McGuinness, to amend the Agenda to add approval of Special Meeting Minutes of March 7, 2023. PASSED UNANIMOUSLY.

3. Minutes of Regular Meeting February 21, 2023.

Motion by Tobelman, second by Cook, to approve February 21, 2023 Minutes as written. PASSED UNANIMOUSLY.

Motion by Cook, second by Hogarty, to approve March 7, 2023 Special Meeting Minutes as written. PASSED UNANIMOUSLY.

4. Communications and Bills

Chairman Lentz noted the report from RiverCog and the email from Nemergut were introduced and read during the public hearing.

5. Old Business

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Cook noted this seems straight forward and reducing the slope from 20 to 15% makes sense. The “dry pipe syndrome” was reviewed. Nemergut noted this is addressed in the code. He reviewed the new code. Cook noted this seems like a good idea. There was discussion regarding uphill and downhill slopes.

Motion by Cook, second by McGuinness, to approve Amendment to Article IX Accessory Apartments Section 500-60. Approval Process, C. (2) add the addition of “any portion of” and change “20% to 15% as follows:

(2) Where “any portion of” the topography between the existing principal dwelling and the proposed accessory apartment would not allow a connecting sewer pipe due to shallow depth to ledge, inland wetlands or watercourses, or slopes over “15%”, or,

PASSED UNANIMOUSLY.

6. Zoning Enforcement Officer’s Report

It was noted a Cease & Desist Order had been issued to Running Brook Farms and if the action doesn’t stop or is rectified the ZEO will turn this over to Counsel at the end of the appeal period.

7. New Business

Roger Nemergut – informal discussion, potential subdivision 88 Roast Meat Hill Road

Nemergut noted he has a client with 27 acres at 88 Roast Meat Hill Road. He would like to split a lot off so his daughter can build a house. The owner of the 27 acres currently lives in a single house with a barn for his horses. The 27 acres has 60' of frontage on Roast Meat Hill Road and 50' of frontage on Forest Glen Drive. The property was divided in 5 lots with 4 having frontage on Route 81 and 1 interior lot.

Nemergut reviewed the location of the house the daughter would like to build. They need 200' of frontage. Maybe there could be a private road which would generate the frontage. There was discussion regarding the cul-de-sac, the right-of-way and a private road which would get the required frontage. The temporary easement would be excluded when the road goes through and leaving the cul-de-sac in would be the best way to go. There was discussion regarding the location of the private road. Nemergut noted its 6300 s.f. that might allow the private road from the cul-de-sac to the property. Lentz noted the Town would have to agree with this. Nemergut noted if the Town agreed, it would have to go to Town Meeting.

Nemergut noted he would approach the Town on this suggestion and it would not affect any existing driveways.

8. Report of Officers and Subcommittees

Chairman Lentz reviewed Running Brook Farms. He noted there is a regulation that allows limited grinding for one month in a 3 month period from January to March. The idea of that regulation was to allow RBF to produce mulch to be put in the bins in the back and that would be a retail operation. People could drive in and load up or buy bags of mulch. That was considered an accessory to a nursery. This hasn't worked out and it's now an industrial activity and this can't be resolved until it goes to Court. Should we repeal the limited grinding regulation. This might end the problems with RBF. Warren asked why a repeal would be needed as there's a C&DO. Lentz noted RBF could reapply at some future date. He further noted an industrial activity cannot be allowed in the Commercial District. Brief discussion followed relative to this use in an Industrial Zone or Commercial Zone. Lentz noted he would email everyone the regulation for members to look at. Repealing would require a public hearing.

Hogarty noted awhile back there was discussion about going back to in person meetings. Tonight wasn't complicated but there was trouble with sharing screens. This forum is convenient, but he believed something is lost by not being in person. Cook noted he would go either way. Virtual meetings are easy. Warren noted if masks were used it might make more sense. Covid is still occurring in business spaces. It hasn't gone away. Martin noted he would not be able to attend in person meetings as he is immuno comprised. Lentz noted there doesn't seem to be a consensus, so we should think about it and decide later. Hogarty noted attending a hybrid meeting would be fine. Warren stated that hybrid meetings are not difficult to set up. Covid has not gone away.

First Selectwoman Gorski noted she understands there are limitations for some individuals. We do not currently have the capability of hybrid meetings, but it is being put in the budget for 23-

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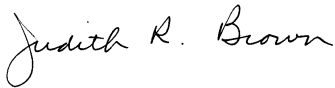
24. The BOS, BOF and P&Z will try to find a source for those who are immune comprised. She applauded the Commission with the questions regarding RBF. She noted she keeps track of things.

Hogarty asked when the new ZEO would start. Lentz replied he will work in tandem with Talbot starting April 3rd. Cook asked if there was any update on the Building Official. Currently the BO is Karl Auer. However, the Town has interviewed another individual from Durham.

9. Adjournment

There being no further business, the meeting adjourned at 8:00 PM.

Respectfully submitted,

A handwritten signature in cursive script that reads "Judith R. Brown". The signature is written in black ink on a white rectangular background.

Judith R. Brown, Recording Secretary