

Minutes of Regular Meeting No. 12121 of the Killingworth Planning & Zoning Commission held on Tuesday, April 18, 2023, at 7:00 PM by Go-To-Meeting. Page 1 of 3

1. Call to Order

Chairman Lentz called the meeting to order at 7:01 PM. Commission members in attendance and seated were Lentz, Hogarty, Tobelman, Warren (seated for Cook), Martin (seated for McGuinness) and Drew (seated for McLaughlin). Others present included Richard Pleines, Eileen Unger, Laurel Poletti, Lauro Lefko, Scott K., Richard Guest and Caller 01 and Caller 02.

2. Minutes of Regular Meeting March 21, 2023

Motion by Martin, second by Tobelman, to approve March 21, 2023 Minutes as written. Passed Unanimously.

3. Communications and Bills – none.

4. Old Business

a. Moratorium on Cannabis retailing expires on July 1, 2023

Chairman Lentz noted the Moratorium on Cannabis retailing will expire on July 1, 2023. Do we want to renew this? The State has approved a few permits. The Commission wanted to give this more time to see where this was going. He noted the State permits have gone to large towns. Most towns have issued a moratorium and a couple have stated they are not allowed.

Scott K. noted he agreed with the extension but had significant security concerns for the town. He has reviewed the police protection in town and doesn't think this town is prepared for security. Lentz noted none of the surrounding towns have it and felt the Commission should continue the moratorium.

Becky Goetsch, President of CT Hemp Association, stated she felt dispensaries are not suited for towns like Killingworth. She didn't think it would contribute much for this town. The Town should be open to other licensing types.

Chairman Lentz noted if the Commission decides to extend the moratorium, it will have to hold a public hearing. He asked members if they wanted to propose an extension of the moratorium. Members agreed yes. No one disagreed. Lentz further noted maybe the Commission should ask Town Counsel if it could be worded so we don't have to do this every year.

5. Zoning Enforcement Officer's Report

Chairman Lentz reviewed the ZEO's letter of March 20, 2023 to Scott Papoosha. He noted both applications #376 and #377 were denied by the Commission. After denial, the ZEO issued a Cease and Desist Order of March 20, 2023. C&DO activities included, but not limited to:

1. Any storage of logs, brush or other unprocessed wood material on the property;

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2. Any processing of wood products on the property including chips, mulch or firewood;
3. Any storage of wood products created on the property (firewood for sale or use in outside wood furnaces may be stored on site but cannot be created/processed on-site).

In addition, all unaddressed elements of the Stipulated Judgment of 2015 must take place on the property.

Activities have continued after the issuance of the C&DO. The matter has been turned over to legal counsel. RBF has filed an appeal to the Zoning Board of Appeals. If the Board denies, this will be turned over to counsel to pursue in Superior Court. RBF has also appealed the Commission's denials to Superior Court which has been turned over to legal counsel.

Discussions were held with Scott Papoosha looking at some way to resolve the situation. He would cease operations and clean up the site within the next two weeks. After that, meet with the Commission to see how this can be resolved.

Stephanie Warren noted it sounds good but given the history, what does he mean by "clean up the site."

Becky Goetsch noted the plan they are looking at calls for re-establishing the berm to the 2015 agreement. Scott noted by cleaning it up, he means bringing the berm down, plant arbor vitae and return site to 2015 plan.

Stephanie Warren noted they will propose a clean up in two weeks. Is this plan written out. By May 4th, berm will be completed, May 5th completely cleaned up. Is all of this completely written out.

Becky noted she would be happy to propose something in writing and forward it to the Commission members after careful thought.

Lentz noted in the meantime, we should let this process work its way through the Court and then after we will sit down and decide how to proceed.

Becky asked if there was any way to avoid litigation for both the town and RBF. Lentz noted we have had agreements in the past and told something will be done, and it's not. We don't have any other way to enforce it other than Court.

Drew wanted to confirm they will bring the site back to the 2015 layout. He asked if they would be taking in any more material. Becky noted they will probably have to negotiate that at some time.

Lentz asked why it has taken 8 years to comply with the Stipulated Judgment. Becky noted it is a transient site. The berm is higher than what was laid out before my time.

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Becky noted they heard everybody at the last public hearing. Her objective is to get the site in a reasonable condition to suit neighbors and town residents.

Lentz noted it would be helpful if you cleaned the place up. Richard Pleines noted they have continued the grinding period and materials are coming in faster than going out.

Becky noted things are not coming in faster than going out. Things are being moved around the site. She welcomed members to do a site walk. She asked the Commission to have some patience and understand what their objectives are.

6. New Business – none.

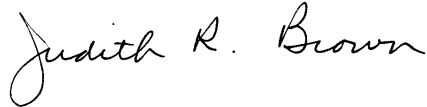
7. Report of Officers and Subcommittees

Hogarty noted the ZEO that was appointed at the last meeting has withdrawn. The First Selectman has a lead on someone in town and will be talking to that individual.

8. Adjournment

There being no further business, the meeting adjourned at 7:30 PM.

Respectfully submitted,

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

Judith R. Brown, Recording Secretary