

**Meeting Minutes of Public Hearing & Regular Meeting No. 12148  
Killingworth Planning & Zoning Commission**

**Tuesday, June 17, 2025 at 7:00 PM**

**Killingworth Town Office Building  
323 Route 81, Killingworth/Remote Access**

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

**Commission Members Not in Attendance:** Brice McLaughlin, Bill Tobelman, Mike Drew

**Staff Members in Attendance:** Linda Kieft-Robitaille (ZEO)

**Visitors:** Michael Harkin, (Harkin Engineering, LLC), Joan Gay, Casey Jacobs, Sandy Allard, Marcel Couture, Cathy Iino, Scott Kasper (Via Remote), Lucinda Hogarty (Via Remote), Nancy McCormick, Michael Venuti, Jeff Brewer, Bill Leahy, Canny McGonagle, Mary Salerno, Lisa Bowle, and Jamie Sciascia (Via Remote)

**Call to Order:** The Public Hearing was called to order at 7:00 PM. by Paul McGuinness, Chair.

**Public Hearing and Consideration of Active Adult Regulation:**

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.

Ms. Kieft-Robitaille, Zoning Enforcement Officer, presented a Summary of the Proposed Active Adult Regulation to the Community. Ms. Kieft-Robitaille also noted that the regulation was reviewed by Legal Counsel, RiverCOG and SCCOG which all raised no concerns. Further, Ms. Kieft-Robitaille stated the Proposed Active Adult Regulation was consistent with the Town's Plan of Conservation and Development and could help provide affordable housing options for older residents.

**Community Members Questions regarding the Regulation:**

Nancy McCormick asked whether units in the Proposed Active Adult Communities would need to be owner-occupied or could be rented as long as the occupant is 55 or older.

Mr. Hogarty explained that this would be governed by the association's condominium documents, not by the zoning regulation itself. While technically it could be allowed, most associations of this type typically would require owner-occupancy, and it's uncommon for such communities to permit non-owner-occupied rentals.

Marcel Couture asked how many lots in Killingworth meet the 10-acre requirement for the Proposed Active Adult Regulation. Ms. Kieft-Robitaille explained that while there are many 10+ acre parcels, the number of qualifying lots is unknown because many contain wetlands or ledges. The regulation applies town-wide, but proposals require a public hearing and would likely be near main roads. Lots must have 10 acres of buildable land to qualify.

### **In Support of the Regulation:**

Joan Gay expressed full and enthusiastic support for the Proposed Active Adult Regulation, calling it “long overdue for Killingworth.” She praised the Planning & Zoning Commission, stating: “I think it's awesome.” “I really commend all of you...” Ms. Gay urged the Commission to designate a number or percentage of units in the proposed 55+ development as affordable housing for seniors. She clarified that her recommendation was not for town-wide affordable housing policy, but targeted specifically to the 55+ community addressed by the new regulation. Ms. Gay provided detailed justification for her recommendation, citing: 1) Town of Killingworth's Conservation and Development Plan and the Town of Killingworth's Affordable Housing Plan, as outlined in the Town of Killingworth Conservation and Development Plan for 2018-2028; 2) Town of Killingworth Affordable Housing Plan - Adopted May 23, 2022 by the Board of Selectmen; 3) Connecticut Conservation & Development Policies Plan.

Ms. Gay cited data from the housing plan about cost-burdened households spending more than 30% of their income on housing. She emphasized that Seniors 65+ are especially vulnerable to cost burden with only five affordable units having been built under the current regulation, far too few. Ms. Gay questioned whether existing strategies in the town's housing plans have been implemented, urging the Commission to review and implement those strategies as appropriate.

Ms. Gay acknowledged that the term “affordable housing” can be sensitive, particularly from a developer's perspective. However, she clarified that this regulation targets 55+ active adult communities, not traditional affordable housing developments. She emphasized that the stigma often associated with affordable housing is less applicable in this context, especially since only a portion of the units would be designated as affordable.

Ms. Gay thanked the Commission for the opportunity to speak.

Cindy McGonagall voiced her support for the Proposed Active Adult Regulation, stating that she concurs with Joan Gay's comments. She expressed appreciation for the Commission's efforts to expand housing for seniors and emphasized the importance of including affordable units in the project. Ms. McGonagall noted that Killingworth has a clear need for affordable housing, and this development presents an opportunity to address that challenge.

Marcel Couture expressed support for the Proposed Active Adult Regulation as presented, calling it “a great start” also while acknowledging more could be done on affordability in the future, he encouraged the Commission to move forward now with this plan. Mr. Couture further stated “let's break the ice here and get this moving.”

Sandy Allard expressed strong support for the Proposed Active Adult Regulation calling it “amazing” that the Town is finally addressing the issue. Ms. Allard emphasized the urgent lack of housing options for seniors, noting that many longtime residents have been forced to leave Killingworth simply because there are no appropriate homes available, regardless of affordability and stated there's no place to go. She underscored the vital role seniors play in the community, especially as volunteers who provide unpaid services such as gardening and general upkeep. Ms. Allard cautioned that if seniors continue to leave due to housing limitations, the town will eventually be forced to pay for services that are now performed for free, leading to increased financial strain on the municipality. She also highlighted the fiscal advantages of age-restricted housing. Seniors contribute to the local tax base but typically do not place a burden on the school system. Ms. Allard expressed her desire to remain in Killingworth and spoke on behalf of many seniors who feel similar explaining how everyone loves this town, but they all feel they are being forced out because there's no place to move to.

Jeff Brewer is in support of the Proposed Active Adult Regulation but also raised concerns about the use of deed restrictions and compliance with Connecticut's 8-30G Affordable Housing Statute. He brought up many factors for consideration: 1) Building under HUD Regulations, as required for many 8-30G developments, makes projects about 40% more expensive than typical construction; 2) Homes built under deed restrictions offer no opportunity for residents to build equity, potentially harming the very people affordable housing is meant to help.

Mr. Brewer emphasized his experience with serving on the Affordable Housing Committee of the Chamber of Commerce, and has worked with Senator Chris Murphy's office in efforts to reform HUD regulations but without success so far. He is also involved in the Environment & Infrastructure Committee and the Economic Development Committee, with a focus on housing issues. He expressed frustration with the hostile environment toward affordable housing in many Connecticut towns, where community resistance has led to projects being blocked or developers being driven out of business, even after receiving approval. Mr. Brewer further voiced his concerns about being careful how you do it so that you don't end up hurting the developers or the residents.

Bill Leahy expressed strong support for the Proposed Active Adult Regulation. He praised the Commission for making progress and noted similar efforts he experienced while serving on the Zoning Board years ago. Mr. Leahy emphasized several points: 1) Other towns are advancing faster on both affordable and senior housing; 2) Senior housing frees up larger homes for younger families; 3) There are very few downsizing options in Killingworth, forcing residents to leave; 4) Green building standards (e.g., U.S. Green Building Council certifications) could be considered, which often require 5–10% affordable units; 5) Affordable housing doesn't mean its cheap housing, it can be cost-stabilized for seniors with lower fixed incomes. Mr. Leahy encouraged the town to look at what's working in neighboring communities and continue the positive momentum.

Cathy Iino expressed strong support for the Proposed Active Adult Regulation congratulating the Commission on their progress. She emphasized that including affordable units is an excellent first step. Cathy highlighted the importance of experimenting with contemporary building and zoning standards to allow more diverse housing types than previously possible. She acknowledged the past protection from the PNC but stressed the need for greater variety in housing to enhance the town's resilience and economic strength. Ms. Iino noted that a diverse housing stock benefits the community by increasing overall property values.

Mary Solera spoke in strong support of the Proposed Active Adult Regulation, calling it "long overdue." She expressed optimism that the initiative could help create a mix of housing types and family needs in Killingworth. Ms. Solera emphasized the importance of making housing more affordable not just for seniors, but also for families across age groups. Ms. Solera framed the proposal as part of a broader effort to help residents remain in town and advised the Commission how people want to stay here, it's a great town and a lot of people in this room have made it great.

Ms. Solera thanked the Commission and expressed appreciation for the opportunity to speak.

Michael Venuti voiced strong support for the Proposed Active Adult Regulation, stating it is "long overdue." Mr. Venuti raised some concerns over the regulation's 40% open space requirement, noting from his experience building approximately 20 subdivisions that:

- 20–25% open space is more typical and generally reflects undevelopable land, such as wetlands;
- Land placed in trust is often flagged but rarely usable by the community;

- Requiring 40% open space could inhibit development and reduce feasible unit counts;
- He cautioned this level of required open space might have prevented many existing neighborhoods from being built, including where current residents now live.

Mr. Venuti expressed skepticism about government-led affordability mandates advising that the more the government gets in and tries to make you do something affordable, the less chance practically it's ever going to happen. He further stated that true affordability is better achieved through flexible, market-driven development, not strict quotas. Mr. Venuti also brought up issues related to impervious surface coverage, noting: 1) Typical neighborhoods have far more green space than impervious surface; 2) Overly rigid metrics may not reflect reality, many areas are landscaped, not paved; 3) Poor soils limit development regardless of regulation.

Finally, Mr. Venuti encouraged maximizing units for 55+ communities to benefit the whole town, but flagged that more paved surfaces mean more stormwater runoff and infrastructure like drainage basins, which need long-term maintenance.

Casey Jacobs provided a clarification regarding terminology in the regulation, specifically distinguishing open space and impervious surfaces. Ms. Jacobs noted that while subdivisions may have significant non-paved areas (e.g., lawns, landscaping, woods), they do not necessarily count as formal open space under current definitions. Further, Ms. Jacobs pointed out that in the subdivision that Mr. Venuti is speaking about, there's a ton of land that's not paved over noting it's more like grass and landscape.

Michael Harkin, a professional engineer, owner of Harkin's Engineering, LLC, voiced strong support for the Proposed Active Adult Regulation. He clarified the distinction between disturbance (e.g., blasting, grading) and impervious surface (e.g., pavement, buildings). Mr. Harkin explained that more of a site can be disturbed as long as no more than 60% becomes impervious, and the remaining 40% is landscaped or left natural. He confirmed the regulation's language made sense and concluded that the proposed limits are practical and technically sound.

**In Opposition of the Regulation** - No one opposed.

The Commission heard the recommendations from the Community Members that spoke and were in attendance tonight.

**Summary:** Ms. Kieft-Robitaille thanked everyone for their input, expressing appreciation for all the comments shared. She noted that the information provided will be valuable to the Commission as it moves forward.

Thomas Hogarty *Moved* and Julie Phelps *Seconded* a motion to close the Public Hearing at 7:55 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 7:55 p.m. by Paul McGuinness, Chair.

**Seating of Alternates:** 1) Alec Martin Seated for Brice McLaughlin; 2) Julie Phelps Seated for Mike Drew; 3) Stephanie Warren seated for William Tobelman.

Thomas Hogarty *Moved* and Julie Phelps *Seconded* a motion to move 7A, New Business: a. Application #393, 250 Rock Ledge KW LLC Applicant, 250 Rt. 81 Site Plan - Approval for Dry Storage Barn to after Agenda Item #4, Communications and Bills.

Motion unanimously passed [6-0-0].

**Visitors – Brief Public Comments:** None.

**Approval of Minutes of May 20, 2025:**

Thomas Hogarty *Moved* and Stephanie Warren *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 May 20, 2025 as presented.

Motion unanimously passed [6-0-0].

*Discussion - Chair McGuinness shared that there was an action item for First Selectman Couture to reach out to Madison's First Selectwoman regarding the Food Truck on Route 81. Mr. Hogarty advised that Mr. Couture shared that he had followed up on it and clarified that the setup isn't a full food truck, just a temporary stand and suggested it's a minor issue and should be resolved without much difficulty.*

**Communications and Bills:**

**a. Clerk's Invoice**

Chair McGuinness reported that Clerk Sciascia's invoice was approved and submitted to Director of Finance Regolo. Chair McGuinness also noted that additional invoices from Haller and Sage arrived over the weekend, after the Agenda was sent out but before the meeting, and were also approved. No other communications or bills were noted.

**New Business:**

**a. Application #393, 250 Rock Ledge KW LLC Applicant, 250 Rt. 81 Site Plan - Approval for Dry Storage Barn**

Michael Harkin, principal of Harkin Engineering, LLC, introduced himself at the public hearing and explained that he owns property behind the ice cream shop now known as Harkin Commons, located at 250 Route 81 in Killingworth. Mr. Harkin was in attendance tonight to present a site plan application for a dry storage barn on the property, which is not visible from the road and is accessible via Route 80, just past the rotary heading toward Madison.

Mr. Harkin also shared that he and his wife currently live on Wolf Hollow Lane and with their son recently graduating high school and their daughter entering her senior year, they are considering downsizing. Their longer-term vision includes a mixed-use development with commercial space below and residential units above, including an apartment for their son and another for themselves, allowing the family to remain close and continue operating their local businesses.

The site behind the ice cream shop at Harkin Commons was previously prepared for development with fill and landscaping as part of an earlier plan for a cluster subdivision that allowed three buildings on one lot. Initially, the area was used for temporary storage in hoop houses to accommodate overflow equipment from the business. As operations expanded, Mr. Harkin contacted Eversource and was informed that a new utility pole and transformer would be required. However, the Connecticut Department of Transportation (DOT) would not approve the pole installation until they had clarity about future development on the site.

Mr. Harkin explained to the Commission that the proposed 12-foot-tall barn is well within zoning height limits and unlikely to raise visibility or massing concerns. Piping has been included in the floor to accommodate a potential future septic connection, though there are no current plans to install plumbing in the building. The existing septic system is overbuilt to support additional structures in the future. Mr. Harkin emphasized that any future business use would require returning to the Commission for approval, a condition he welcomed. Mr. Harkin noted that lighting on the property is minimal, consisting of low-profile solar ground lights used to accent landscaping. There are no plans for pole-mounted or industrial lighting, and any future additions would remain low-impact to respect neighborhood aesthetics.

Mr. Harkin also reported that, since the last public hearing, he and his team have communicated directly with nearby residents, including Alice, a neighbor who had previously raised concerns. The applicant invited input on landscaping, flower placement, and buffer planting, which helped resolve concerns about the visual and environmental impacts of the project. Originally, the plan had included a septic system and a potential mixed-use building (Phase 2), but that component was removed at the request of the Health Department. The site plan was also revised to include a cross-section drawing, addressing further feedback. All updates were submitted as part of the revised application without issue.

Mr. Harkin worked closely with Ms. Kieft-Robitaille and submitted the plans to the Health Department. Due to a shared septic system being proposed between buildings, the project required referral to the Connecticut Department of Public Health, per state regulations. Mr. Harkin explained that reserve septic areas must be designated for each building, even if not in immediate use. These reserves meet regulatory standards regarding setbacks and topography. For instance, the reserve area for the ice cream shop is located uphill and would require pumping, though any failure would likely result in on-site replacement. The Health Department has approved the septic design for Building B, and confirmation has been submitted to the Town.

#### **Commission Questions:**

- The Commission asked whether the lighting plan needed more formal detail and Mr. Harkin reiterated that no permanent fixtures were proposed;
- The Commission confirmed the proposed barn was appropriate for the zoning and site;
- It was confirmed that no outstanding health or regulatory issues remained.

Julie Phelps *Moved* and Thomas Hogarty *Seconded* a motion to approve Application #393, 250 Rock Ledge KW LLC Applicant, 250 Rt. 81 Site Plan - Approval for Dry Storage Barn with the condition that if a business later moves into the space, the Owner/Applicant must return to the Commission for further approval.

Motion unanimously passed [6-0-0].

#### **Old Business:**

##### **a. Active Adult Regulation**

The Commission discussed Mr. Venuti's point that was raised during the public hearing was whether reversing the ratio (e.g., to 80/20) would be more effective. The Commission agreed that the current 60/40 split makes sense, allowing up to 60% impervious coverage while the remaining 40% can be either landscaped or left undisturbed.

Mr. Harkin addressed Mr. Venuti's point to the Commission by clarifying the difference between site disturbance and impervious coverage. He explained that while a developer might disturb a large portion of the site during construction (e.g., clearing or blasting), much of that area can be restored with grass or landscaping, which remains pervious. Mr. Harkin emphasized that the regulation allows for up to 60% impervious surface, with the remaining 40% either landscaped or left natural, offering flexibility. Mr. Harkin supported the regulation, noting that when both disturbance and impervious factors are considered together, the 60/40 requirement is reasonable and attainable, especially since lawns, setbacks, and restored areas count toward the pervious percentage.

The Commission did not further discuss minimum parcel size or practical feasibility. While the regulation allows development on properties with 10 buildable acres, it was noted that due to wetlands, ledge, and poor soils, this often requires 20 total acres in Killingworth, making widespread development unlikely. Although there was some concern about how many parcels might be affected, the consensus was that the number is limited. The Commission also acknowledged that the acreage threshold can be revisited and revised if needed.

Alec Martin *Moved* and Stephanie Warren *Seconded* a motion to adopt the Active Adult Regulation as presented.

Motion unanimously passed [6-0-0].

Chairman McGuinness acknowledged the Commission's adoption of its first regulation under new leadership and expressed appreciation to all involved, particularly Ms. Kieft-Robitaille for her efforts in drafting and revising the regulation. He noted the positive public response and confirmed that no further edits were necessary at this time, while emphasizing that the regulation can be revised in the future if needed.

**b. OWFs Regulation**

Chair McGuinness reported that the OWFs Regulation remains on hold due to ongoing litigation. No further action or discussion is expected until the legal matter is resolved.

**c. Definitions - Floor Space**

Chair McGuinness briefly spoke on the topic of Floor Space, noting that the Commission previously discussed and agreed on a definition. No further changes were proposed at this time.

**d. Housing**

Ms. Kieft-Robitaille reported on the status of HB 5002, and its relationship to Section 8-30G. There was uncertainty around the current status of HB 5002, with the bill focused on financing tools like savings accounts for first-time homebuyers, which would not directly impact the town. Some sections addressed 8-30G, including moratorium appeals and thresholds for local opposition to proposed developments.

Ms. Kieft-Robitaille noted that the bill requires the Governor's signature or veto to proceed. If he takes no action, it may become law by default, though there was some uncertainty about how that process works in Connecticut. The Governor was reportedly out of State, and given the upcoming holiday and weekend, a decision is expected early next week, likely by Monday or Tuesday, ahead of the June 24th deadline. The Commission agreed it would be wise to wait for clarity on HB 5002's final implementation before making any regulatory changes.

Ms. Kieft-Robitaille clarified for the Commission that HB 5002 does not override or eliminate 8-30G; the core statute remains in place. However, the bill includes some amendments to specific 8-30G provisions. Ms. Kieft-Robitaille noted that one change would be if a municipality challenges a denial in court and loses, the town would no longer be required to cover the developer's legal fees. She also noted that towns rarely win 8-30G cases, and litigation can be drawn out and expensive.

**Zoning Enforcement Officer's Report:**

Ms. Kieft-Robitaille reported that the Active Adult Housing Regulation is nearly finalized and a draft of the Commercial Regulations is complete, with input from Mr. Hogarty. She proposed distributing both drafts to Commission members and holding an informal workshop, tentatively scheduled for Tuesday, July 2 at 7:00 PM, to review and discuss the drafts, particularly the commercial section, prior to a public hearing. Drafts will be circulated by email, and members unable to attend may submit feedback by email, markup, or phone. All proposed regulation changes will be reviewed by the Town Attorney before any formal action is taken. Ms. Kieft-Robitaille explained that the commercial draft was held back until the Active Adult Regulation was ready to prevent confusion.

**Report of Officers and Subcommittees:**

Chair McGuinness reported that, aside from possible RiverCOG involvement, there are currently no other active subcommittees.

**Adjournment:**

Chairman McGuinness adjourned the meeting at approximately 8:54 p.m.

Respectfully Submitted,

Jamie Sciascia  
Clerk