

**Minutes of Regular Meeting No. 12149
Killingworth Planning & Zoning Commission
Tuesday, July 15, 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, William Tobelman, Mike Drew, Stephanie Warren (Alternate/Via Remote), and Alec Martin (Seated for Brice McLaughlin/Via Remote)

Commission Members Not in Attendance: Julie Phelps (Alternate), Brice McLaughlin

Staff in Attendance: Linda Kieft-Robitaille (ZEO), Jamie Sciascia (Via Remote)

Visitors: First Selectman Eric Couture, Jim Lally, Lorinne Sekban, Susan Flynn, Scott Chamberlain

Called to Order: The Hybrid Regular Commission Meeting was Called to Order at 7:05 p.m. by Paul McGuinness, Chair.

Seating of Alternates: Alec Martin Seated for Brice McLaughlin

Thomas Hogarty *Moved* and William Tobelman *Seconded* a motion to move up before Visitors - Brief Public Comments, Agenda Item 7C, 8-24 Municipal Improvement Referrals:

- a. App. #396: 30'x40' heated vehicle storage building for fire department**
- b. App. #397: 24'x50' wooded pavilion at Eric Auer Park**
- c. App. #398: New culvert on Abner Lane Rd. over Chatfield Hollow Brook**

Motion unanimously passed [6-0-0].

New Business:

C. 8-24 Municipal Improvement Referrals:

a. App. #396: 30'x40' heated vehicle storage building for fire department

First Selectman Couture reported that Application #396: 30'x40' Heated Vehicle Storage Building For the Fire Department the site plans are not yet available, as they are still being worked on. Couture advised that once they are ready, he will bring them forward to the Commission for review.

b. App. #397: 24'x50' wooded pavilion at Eric Auer Park

First Selectman Couture reported that Application #397: 24'x50 Wooded Pavilion at Eric Auer Park, approved at Town Meeting, and discussed with Parks and Recreation, had not previously been presented to the Planning and Zoning Commission as part of the master plan. On behalf of Parks and Recreation, Couture requested approval of the revised location, identified by Ms. Kieft-Robitaille, which resolves prior drainage issues.

The proposed site, near the handicapped parking, portable restrooms, and football shed, does not encroach on the fields or picnic area and aligns with existing event use. The design mirrors the shaded water area at Sheldon Park and was deemed appropriate for its intended purpose.

Thomas Hogarty *Moved* and Geoffrey Cook *Seconded* a motion to approve App. #397: 24'x50' wooded pavilion at Eric Auer Park as presented, on the same plan that was presented by Ms. Robitaille, the Zoning Enforcement Officer.

Motion unanimously passed [6-0-0].

c. App. #398: New culvert on Abner Lane Rd. over Chatfield Hollow Brook

First Selectman Couture reported on Application #398: New Culvert on Abner Lane Road Over Chartfield Hollow Brook which is a project planned for next year and also in the preliminary stage. Couture shared some brief history about Abner Lane Road, one of the town's last remaining dirt roads, which has become a cut-through for vehicles, including trucks, between Routes 148 and 80, due to GPS directions. Couture further shared that last year, a truck crossing the existing stacked-stone bridge damaged it beyond repair, necessitating replacement. A site walk was conducted yesterday by the Wetlands Commission, Department of Energy and Environmental Protection and Engineering and Public Works, and DEEP noted some interest in modifying the current design to include a small parking area near the site, as it is commonly used as a staging point for hikers. Couture noted that this idea is under review as the town works to secure easements and finalize plans. Couture presented this application tonight for informational purposes only.

Lastly, First Selectman Couture recognized and thanked the Commission for approving the Active Adult Housing Regulation at their previous meeting, emphasizing the importance of proactively addressing housing challenges facing the State.

First Selectman Couture left the meeting at approximately 7:15 p.m.

Visitors – Brief Public Comments:

Lauren Kavachi Sakban, 45 Hemlock Drive, and a resident of Killingworth for 19 years and at her current address for 10 years, addressed the Commission with her concerns about ongoing activities on a neighboring property behind her home. Ms. Sakban explained that the neighbor purchased approximately 15–18 acres and, for the past year and a half, has been continuously cutting trees and engaging in what she described as “massive deforestation,” using industrial-sized equipment including a large wood chipper and a flatbed trailer. Ms. Sakban raised concerns that the level of noise is significant, also noting she can feel the “ground shake” questioning whether there is a sound ordinance in Killingworth, as the noise from the equipment is disruptive and she no longer hears birds in her yard. Ms. Sakban said that the noise and activity have persisted for so long that it does not appear to be just clearing land for a house or addition, suggesting there may be some ongoing commercial operation.

Scott Chamberlain, of 29 Hemlock Drive, addressed the Commission regarding the noise issue of a neighboring property behind his home and a complaint raised by Ms. Sakban. Mr. Chamberlain noted that he was attending for informational purposes and asked whether the property is zoned residential. Mr. Chamberlain inquired whether that use is permitted for a business operation, and if a variance or rezoning, such as to an industrial zone, has been granted to allow commercial activities. He added that if the property owner is operating within his rights, he has no objection. Mr. Chamberlain stated that he has been hearing the noise from the property for nearly two years, moving from Route 80 in Guilford to a secluded neighborhood in Killingworth, seeking peace and quiet, which he has not experienced due to this ongoing noise issue.

Susan Flynn, of 314 Route 81, addressed the Commission, stating that she was in attendance to observe and comment on the noise issue raised by Ms. Sakban. Ms. Flynn also inquired whether an application for a building requires the applicant to specify the intended use of the structure.

The Commission thanked Ms. Sakban and the other residents in attendance for bringing the matter to their attention and assured them all that Ms. Kieft-Robitaille, the Town's Zoning Enforcement Officer, would investigate and report back once the facts are established. The Commission emphasized that decisions must be based on verified information rather than assumptions, and that the focus would remain on determining those facts before considering any potential violations.

Approval of Minutes of June 17, 2025:

Thomas Hogarty *Moved* and Geoffrey Cook *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 June 17, 2025 as presented.

William Tobelman *Abstained* due to being absent from the June 17, 2025 meeting.

Motion passed [5-0-1].

Stephanie Warren left the meeting at approximately 7:26 p.m.

Communications and Bills:

a. 7/1/25 - Invoice Statement from CT River Coastal Conservation District

Chair McGuinness reported he received a statement from the Connecticut River Coastal Conservation District, related to annual dues (not an invoice) which is being handled by First Selectman Couture. Chair McGuinness reported that the dues appear to be split into two installments, which explains receiving a second statement.

b. Clerk's Invoice

Chair McGuinness reported that Clerk Sciascia's monthly invoice was received, approved, and placed in Director of Finance Regolo's basket for payment.

Thomas Hogarty *Moved* and William Tobelman *Seconded* a motion to move up next on the Agenda Item, 7B, SE #395: 14 Route 80, Jim Lally, applicant for 40x60 addition to existing building in an Industrial Zone set forth under New Business.

Motion unanimously passed [6-0-0].

New Business:

B. SE #395: 14 Route 80. Jim Lally, applicant for 40x60 addition to existing building in Industrial Zone.

Chair McGuinness reported that Application #395 requires a special exception because it involves an expansion of the current use of the property and includes multiple tenants. Chair McGuinness invited the applicant, Jim Lally, to explain his proposal, noting that all Commission members should have already received the plans and the application materials.

The applicant, Jim Lally, explained to the Commission that he has owned the building for almost 30 years and previously added an addition once before. Mr. Lally explained that the previous tenant Rosewood, a custom woodworking shop, didn't require additional space at the time. Currently, the new tenant is Arrigoni, which produces custom boat furniture from mahogany, and other high-end materials, requested additional space to store lumber and other materials, particularly when buying in bulk or on sale.

Mr. Lally presented the following proposal to the Commission for their review and approval:

- to build an addition to the back of the building, measuring 40 by 61 feet, with two large doors. The addition would expand the current space, which already consists of three bays (each approximately 20' x 60') with individual doors. The plan is to add two more bays at the rear of the building;
- Mr. Lally clarified that the proposed addition would be for storage only, not heated or otherwise conditioned space;
- Mr. Lally had previously obtained approval for this same plan in 2017, but did not proceed at that time noting that it then expired after five years.

The Commission Members noted:

- Since the Application involves an expansion of current use and multiple tenants, it requires a special exception, and a Public Hearing will be scheduled for the next meeting on Tuesday, August 19th;
- Chairman McGuinness asked Mr. Lally if the site plan could be updated to make the existing contours and information more legible, as the current plan appears to have faded;
- There were two different addresses listed for Mr. Lally on the application, to which he explained that he lives on Bunker Hill Road at his farm but also maintains an office in Colchester. He also provided his email for the record;
- Mr. Lally acknowledged the feedback and indicated he could make the requested updates to the site plan before the next meeting;
- The Commission noted that a decision on the application will be made at the next meeting;

- Ms. Kieft-Robitaille will send the abutters list to Mr. Lally to issue the required notices;
- Due to the property being so close to the Deep River town line (about 500 feet), Ms. Kieft-Robitaille will double-check the measurement to determine if notification to Deep River is required just to be safe and to avoid rejection of the application.

Old Business:

Regulations:

a. Commercial District

Ms. Kieft-Robitaille presented draft language on commercial cluster development to the Commission. Alec Martin raised questions about whether the section truly addressed commercial uses, noting that it began with examples such as billiard parlors and bowling alleys but later described what appeared to be multi-family housing. It was discussed that once certain paragraphs are inserted into a section of the regulations, they become part of that section, even if the content blends commercial and residential elements.

The Commission also discussed how its role includes not only enforcing zoning but also proactively planning for the town’s future. The purpose of updating these regulations now is to stay ahead of anticipated changes in state law (e.g., HB 5002), rather than waiting to react after its passage.

Alec Martin further expressed concern that this approach felt like “putting the cart before the horse,” suggesting it might be premature to move forward before the state law is finalized. However, other Commission members noted that the draft would still undergo Attorney Branse’s legal review and return to the Commission for further discussion and potential revisions before anything is finalized. The Commission ultimately agreed to send the draft to Attorney Branse and revisit it after receiving his feedback.

b. Accessory Apartments

Ms. Kieft-Robitaille reviewed proposed updates to the housing regulations to align with the new State Statute with the Commission. They discussed the following:

- Towns can no longer impose certain restrictions (e.g., on “granny pods”), and the updated draft reflects this change;
- Any provisions in the old regulations that conflicted with State law have been removed;
- Chair McGuinness asked whether the owner should be required to reside in the primary dwelling;
- The current draft eliminates the owner-occupancy requirement entirely, consistent with updated regulations in many other towns;
- Some Commission members felt owner-occupancy is a common practice to control development, while others felt removing it allows more flexibility for

families (e.g., adult children or grandparents) to remain in the home without requiring a sale or move;

- Chair McGuinness requested that a definition of “kitchen,” based on the State Building Code, be included;
- The Commission discussed the distinction between accessory dwelling units (ADUs) in residential zones and caretaker residences on commercial or industrial properties, noting different definitions but similar requirements;
- Concerns about speculative development and potential Airbnb-type rentals were raised, though it was acknowledged that such issues have not yet emerged locally;
- It was also noted that the State has removed a prior restriction prohibiting ADUs in new subdivisions during the first year;
- Ms. Kieft-Robitaille stated she will circulate the revised draft language incorporating these changes for review and comment. If the Commission agrees it is acceptable, she will send a copy to Attorney Branse for review. If not, further discussion will continue at the August meeting.

c. Housing

Ms. Kieft-Robitaille reported that the Active Adult Community Regulation was previously approved, and the appeal period ends August 8th, after that, the approval becomes final. The Commission had further discussion about the following:

- identifying town-owned land for potential development. The GIS data is limited, and while soils data is available, it’s harder to generate a report of all town-owned parcels. A report could likely be generated but would still require review to determine which parcels are suitable (e.g., not in conservation, not wetlands, not donated for preservation);
- Conservation Land and Land Trust properties are off-limits for development;
- Some specific parcels discussed (e.g., the dirt road near Route 81) were identified as wetlands and likely unsuitable. Some land is owned by the State or Connecticut Water Company;
- The Active Adult Community was enabled not through zoning regulations but through a town ordinance, which is somewhat unusual. If done again, the developer indicated they’d likely opt for a private community well rather than separate wells;
- The ordinance allows for “cottage communities” and was unique in how it permitted the development without changing zoning regulations, an approach taken by the Town of Guilford but could also work locally.

Zoning Enforcement Officer’s Report

Ms. Kieft-Robitaille gave a brief regarding two parcels of land on Cowhill Road. The owner plans to grow vegetables and eventually build a house for his daughter and it was noted that residents have already begun inquiring about the property since the purchase became known. Ms. Kieft-Robitaille clarified it won't be a large development; the owner’s intention is to include keeping horses and farming organically, with a focus on knowing the source of his food.

Ms. Kieft-Robitaille reported that there have been frequent inquiries about accessory apartments and vacant lands in town, with her office often receiving calls before properties are formally listed for sale.

New Business:

A. SE #394: 250 Rock Ledge KW LLC (Michael Harkin) applicant; for mixed use building at 250 Rt.81.

Chair McGuinness reported about Application #394 filed by Michael Harkin is a Special Exception for 250 Rockledge for purposes of a second/mixed-use building at the intersection of Route 81. A Public Hearing on this application and Application #395 will be heard at the next meeting scheduled on Tuesday, August 19th.

Chair McGuinness encouraged members to review the application materials in advance of the hearing and to identify any missing documents or permits early to avoid delays.

Report of Officers and Subcommittees: No Report.

The Planning and Zoning Commission went into Executive Session at approximately 8:20 p.m.

Executive Session - Running Brook Farms Litigation:

The Commission was provided an update on the Running Brook Farms Litigation.

Adjournment:

Chairman McGuinness adjourned the meeting at approximately 8:40 p.m.

Respectfully Submitted,

Jamie Sciascia
Clerk