

Minutes of Regular Meeting No. 12154
Killingworth Planning & Zoning Commission
Tuesday, October 21, 2025 at 7:00 PM
Killingworth Town Office Building
323 Route 81, Killingworth/Remote Access

Commission Members in Attendance: Paul McGuinness (Chair), Thomas Hogarty, Richard Pleines, Mike Drew (Via Remote), Lisa D'Angelo, Julie Phelps (Alternate), Stephanie Warren (Alternate/Seated for Geoffrey Cook) and Alec Martin (Alternate/Via Remote)

Commission Members Not in Attendance: Geoffrey Cook

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

Visitors: Jason Nemergut (Nemergut Consulting), Beth Fair, and Patrick Dooley

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

Seating of Alternates: Stephanie Warren was seated for Geoffrey Cook.

Brief Public Comments: None.

Thomas Hogarty *Moved* and Lisa D'Angelo *Seconded* a motion to move up all of New Business, Items 7A, 7B, 7C, and 7D to be heard before Old Business Item 5A (a and b).

Motion unanimously passed [6-0-0].

Approval of Minutes from September 16, 2025:

Lisa D'Angelo *Moved* and Thomas Hogarty *Seconded* a motion to approve the Minutes from the Planning and Zoning Commission Special Meeting of September 16, 2025.

Motion unanimously passed [6-0-0].

Lisa D'Angelo *Moved* and Thomas Hogarty *Seconded* a motion to approve the Minutes from the Planning and Zoning Commission Regular Meeting of September 16, 2025.

Motion unanimously passed [6-0-0].

Communications and Bills:

Chairman McGuinness reported that he received and approved the Clerk's invoice, also noting that he received invoices from Halloran and Sage which will be processed at the next meeting.

New Business:

- A. Application #401, Robert and Beth Fair (Applicants) 64 Route 80, Detached Accessory Apartment**

Jason Numergut, from Numergut Consulting, presented on behalf of Robert and Beth Fair, regarding Application #401, 64 Route 80, Detached Accessory Apartment noting the following information:

- Proposal for a one-bedroom ADU above an existing garage;
- Property size: 11.3 acres, with 8.14 acres buildable;
- New septic system and well required; connection to existing system not feasible;
- Existing house is 3,035 square feet.; ADU just under 700 square feet;
- Proposed a single outdoor light above the north-facing doorway; no floodlight at roof peak;
- Property accessed via right-of-way owned by the Cohens;
- Neighbor's grass strip discussed; verbal agreement obtained for driveway access;
- Leaching Field/Septic System: Depth of stone: 12 inches;
- Distribution box schematic shows in/out pipes at 90°.

Commission Member Questions:

- Confirmed no floodlights would be installed at peak;
- Clarified driveway easement and alignment with neighbor's property;
- Inquired about the thickness of stone for the leaching system;
- Checked schematic alignment for distribution box pipes;
- Minor schematic details discussed; deemed standard and no revisions required.

Thomas Hogarty *Moved* and Stephanie Warren *Seconded* a motion to approve Application #401, Robert and Beth Fair (Applicants), 64 Route 80, Detached Accessory Apartment, as presented.

Motion unanimously passed [6-0-0].

B. Application #402, Patrick Dooley (Applicant) 2 Overlook Farms Road, 2 Lot Resubdivision

Patrick Dooley presented on Application #402, regarding a proposal for a two-lot subdivision at Overlook Farms (Lot 3) noting the following information:

- Mr. Dooley reported that several test pits were conducted in September to evaluate soil depth, topography, and septic feasibility for the proposed new lot;
- Mr. Dooley indicated that site conditions appeared suitable for development, and the data gathered would guide the proposed septic system location;
- Mr. Dooley said that he is obtaining permission from the Overlook Farms Road Association to have an easement through the narrow strip of land between Overlook Farms Road and his property line to install a short driveway to access Lot 1. This would avoid complications of having a driveway onto Route 80.

Commission Questions:

- Discussion took place regarding the test pit depth and soil suitability in certain areas of the property;
- Chairman McGuinness clarified that the Commission's current discussion was preliminary only, with no vote to be taken at this meeting. The Commission agreed to schedule the public hearing for Tuesday, November 18, 2025, at 7:00 p.m.

Application #403, Thomas Stevens & Associates (Applicant) 200 Green Hill Road, 2 Lot Resubdivision

- Chairman McGuinness reported that the Commission received Application #403 yesterday noting that the Applicant Tom Stevens is not present to discuss the application since it will be scheduled for a Public Hearing in November;
- The application involves a 2-lot resubdivision, similar in nature to other subdivision applications;
- The project already went through the Wetlands Commission’s review.

A. 2026 Meeting Schedule (Draft)

Chairman McGuinness reported that the 2026 P&Z Meeting Schedule, previously distributed in the Commission’s packet, was reviewed again during the meeting, with no major conflicts identified.

Stephanie Warren *Moved* and Richard Pleines *Seconded* a motion to approve the 2026 P&Z Meeting Schedule as presented.

Motion unanimously passed [6-0-0].

Old Business:

A. Regulations:

a. Commercial District

Ms. Kieft-Robitaille gave an update to the Commission about the Commercial District:

- The Committee reviewed zoning table updates, confirming the only recent changes involved definitions and minor clarifications;
- Certain uses, like microbreweries and microwineries, were moved to the definitions section for clarity;
- Small-scale uses (barbershops, nail salons) under 1,500 square feet will not require full Commission review unless they constitute a change of use. A 1,500 square foot maximum needs review, while smaller expansions can still be referred to at Ms. Kieft-Robitaille’s discretion;
- Percentage-based expansions (20%) were considered but deemed less predictable; the fixed threshold provides clarity;
- The need for a clear site plan checklist was emphasized, including requirements to show dwellings, wetlands, health approvals, and other critical criteria;
- Current “special use” criteria can be reorganized under “site plan” to streamline the process;
- Ms. Kieft-Robitaille will draft and supplement the checklist for Commission review;
- Middle housing on commercial lots can include up to nine units per building, though practical limitations such as septic, well separation, and setbacks may restrict implementation. The Commission may require a discretionary percentage of units to be affordable, but health and safety requirements cannot be waived. Middle housing is suggested to fall under both special exception and site plan approval to ensure proper oversight;
- Proposed changes allow residential units, including multi-family, in commercial districts, including the first floor, which was previously prohibited;
- Multi-family is not permitted in standard residential zones beyond two-family units; commercial districts are the logical place to allow these new uses;
- Approvals must comply with health, fire, and building codes;
- Limiting residential uses to commercial lots prevents encroachment into neighborhood areas, balancing residential flexibility with community character preservation;
- State approvals (driveways off state roads) remain a prerequisite for any new commercial/residential development;
- Alec Martin raised concerns about the language regarding floor area thresholds and flexibility in percentage expansion, seeking clarity on managing incremental growth and Commission intervention;

- Alec Martin highlighted the potential for overlap between commercial and residential uses, emphasizing the importance of maintaining clear distinctions while allowing residential development in commercial districts;
- Alec Martin inquired whether the proposed regulations applied to existing buildings (they do not) and expressed concern about preventing multi-family residential from unintentionally appearing in residential neighborhoods.

b. Accessory Apartments

- The Commission discussed the earliest possible month for an ADU public hearing noting January 20, 2026, potentially allowing both the ADU and Commercial District applications to be heard at the same public hearing; The Commission agreed not to formally set any public hearing dates until confirmation from Regional Planning is received; Consensus was to remain flexible; holding both together if timing aligns, or separately if one application is ready before the other;
- Chair McGuinness emphasized the importance of starting the review process soon to maintain the intended schedule;
- Ms. Kieft-Robatielle encouraged the Commission to review the draft Accessory Apartment Regulations and submit any comments or suggestions;
- No formal public hearing was set at this meeting.

Zoning Enforcement Officer’s Report:

Ms. Kieft-Robatielle reported that permit activity has remained steady, with several ongoing inspections and follow-ups on recent complaints regarding the River Road property. She noted possible gravel activity but confirmed that no active excavation or material transport has been observed. The remaining soil on-site is being used for grading and landscaping purposes. She added that Glenn Johnson, Chairman of the Inland Wetlands Commission, continues to monitor the area regularly and has not reported any issues.

Ms. Kieft-Robatielle also reported that the next Land Use Training will be held in November. The session fulfills the state requirement for elected officials, and members may register independently and seek reimbursement through the Director of Finance Regolo. Ms. Kieft-Robatielle will send a reminder about registration details after the November election. Chairman McGuinness recommended newly commissioned members sign up after elected into the Commission at the next elections.

Report of Officers and Subcommittees: No Report.

The Commission went into Executive Session at approximately 8:39 p.m.

Executive Session - Running Brook Farms Litigation:

Chair McGuinness gave an update to the Commission on the Running Brook Farms Litigation.

The Commission came out of Executive Session at approximately 9:00 p.m.

Adjournment:

Chairman McGuinness adjourned the meeting at approximately 9:00 p.m.

Respectfully Submitted,

Jamie Sciascia
Clerk