



**TOWN OF KILLINGLY, CT
PLANNING AND ZONING COMMISSION**

MONDAY – JUNE 21, 2021
Regular Meeting – HYBRID MEETING
7:00 PM

TOWN MEETING ROOM – 2ND FLOOR
Killingly Town Hall
172 Main Street
Killingly, CT

Sealed by Clerk
JUN 21 10 18 PM 2021
TOWN OF KILLINGLY, CT

DUE TO COVID-19 THE PUBLIC MAY VIEW THIS MEETING AS DESCRIBED BELOW

AGENDA

**THE PUBLIC CAN VIEW THIS MEETING ON FACEBOOK LIVE.
GO TO www.killinglyct.gov AND CLICK ON FACEBOOK LIVE AT THE BOTTOM OF THE PAGE.**

- I. CALL TO ORDER/ROLL CALL**
- II. SEATING OF ALTERNATES**
- III. AGENDA ADDENDUM**
- IV. CITIZENS' COMMENTS ON ITEMS NOT SUBJECT TO PUBLIC HEARING (Individual presentations not to exceed 3 minutes; limited to an aggregate of 21 minutes unless otherwise indicated by a majority vote of the Commission)**

NOTE: Pursuant to Governor's Executive Order 7B, all public comments can be emailed to publiccomment@killinglyct.gov or mailed to the Town of Killingly, 172 Main Street, Killingly, CT 06239 on or before the meeting. All public comment must be received prior to 2:00 PM the day of the meeting. Public comment received will be posted on the Town's website www.killingct.gov.

NOTE: To participate in the CITIZENS' COMMENTS– the public may join the meeting via telephone while viewing the meeting on Facebook live.

To join by phone please dial 1-415-655-0001; and use the access code 132-481-0960 when prompted.

- V. COMMISSION/STAFF RESPONSES TO CITIZENS' COMMENTS**
- VI. PUBLIC HEARINGS – (review / discussion / action)**

NOTE: To participate in THE PUBLIC HEARINGS – the public may join the meeting via telephone while viewing the meeting on Facebook live.

To join by phone please dial 1-415-655-0001; and use the access code 132-481-0960 when prompted

1) Special Permit Application #21-1263; Desmarais & Sons, Inc.(Landowner – 145 Alexander Parkway, LLC); 145 Alexander Parkway; GIS MAP 36, LOT 1; ~26.0 acres; Industrial Zone. Applicant proposes to modify grading from Previous Approval.

- 2) **Zone Text Change #21-1265**; Douglas Construction Company; Special Permitted Use; Add Section 420.2.2.q General Commercial Zone; Special Permitted Use; Distribution Center Facility.

Hearings' segment closes.

Meeting Business will continue.

VII. UNFINISHED BUSINESS – (review / discussion / action)

1) **Special Permit Application #21-1263**; Desmarais & Sons, Inc.(Landowner – 145 Alexander Parkway, LLC); 145 Alexander Parkway; GIS MAP 36, LOT 1; ~26.0 acres; Industrial Zone. Applicant proposes to modify grading from Previous Approval.

2) **Zone Text Change #21-1265**; Douglas Construction Company; Special Permitted Use; Add Section 420.2.2.q General Commercial Zone; Special Permitted Use; Distribution Center Facility.

VIII. NEW BUSINESS – (review/discussion/action)

1) **Site Plan Review Application #21-1262**; Kevin Crump/Frito-Lay; 1886 Upper Maple Street, Killingly, CT 06241; GIS MAP 62, LOT 53; ~79.0 acres; Industrial Zone; the project consists of a new building expansion with storm water and asphalt improvements. (REVIEW/DISCUSSION/ACTION)

2) **Special Permit Application #21-1267**; Justin Olsen/Markover Kennels (Pine Acres Properties, LLC/Owner); 723 & 753 Cook Hill Road, Killingly, CT; GIS MAP 139; LOTS 38.1 & 40; ~160.acres; Rural Development Zone; request dog boarding, training, and grooming facility for 20 dogs. Receive, and if application is complete, then schedule for next available public hearing date – July 19, 2021.

3) **Site Plan Review Application #21-1268**; PB Projects, VII, LLC; 140 Main Street, Killingly, CT 06239; GIS MAP 198; LOT 134; Central Business District; renovate historical building for use as 1st floor general mercantile, and full-service restaurant; 2nd floor for general offices. Receive, and if the application is complete, please transfer to staff for staff review and approval.

(*) Applications submitted prior to 5:00 PM on MONDAY, JUNE 14, 2021, will be on the agenda as New Business, with a "date of receipt" of MONDAY, JUNE 21, 2021, and may be scheduled for action during the next regularly scheduled meeting of MONDAY, JULY 19, 2021.

(*) Applications submitted by 12:00 noon on FRIDAY, JUNE 18, 2021, will be received by the Commission ("date of receipt") on MONDAY, JUNE 21, 2021. However, these applications may not be scheduled for action on MONDAY, JULY 19, 2021, as they were submitted after the Commission's deadline. This is in accordance with Commission policy to administer Public Act 03-177, effective October 1, 2003.

IX. ADOPTION OF MINUTES – (review/discussion/action)

- 1) Regular Meeting Minutes – May 17, 2021

X. OTHER / MISCELLANEOUS – (review / discussion / action)

1) **WORKSHOP - Zone Text Change Application #21-1264**; Town of Killingly; Special Permitted Use; Add Section 420.2.2.p General Commercial Zone; Special Permitted Use; Self-Service Storage Facilities.

2) **WORKSHOP – Discussion** – should the zoning regulations allow for an accessory structure to be constructed on a vacant parcel of real estate without the primary structure being in place?

XI. CORRESPONDENCE

XII. DEPARTMENTAL REPORTS – (review/discussion/action)

- A. Zoning Enforcement Officer's & Zoning Board of Appeal's Report(s)
- B. Inland Wetlands and Watercourses Agent's Report
- C. Building Office Report

XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT

XIV. TOWN COUNCIL LIAISON REPORT

XV. ADJOURNMENT

VI. PUBLIC HEARINGS – (review / discussion / action)

1) **Special Permit Application #21-1263**; Desmarais & Sons, Inc.(Landowner – 145 Alexander Parkway, LLC); 145 Alexander Parkway; GIS MAP 36, LOT 1; ~26.0 acres; Industrial Zone. Applicant proposes to modify grading from Previous Approval.

APPLICANT(S):	Desmarais & Sons, Inc.
LANDOWNER(S):	145 Alexander Parkway, LLC
SUBJECT PROPERTY:	145 Alexander Parkway / Louisa Viens Drive
ASSESSOR'S INFO:	GIS MAP 36, LOT 1, ~26 acres
ZONING DISTRICT:	Industrial Zone
REQUEST:	Applicant proposes to modify grading from pervious approval
REGULATIONS:	Article VII – Special Permit, Section 700 – et sec. Section 470 – Site Plan Review Section 560 – Earth Filling and Excavation Section 560.7 – Performance Standards Subsection i) - No excavation, no rock quarry, conducted under a permit issued pursuant to these Regulations shall be: 2) BELOW the grade of any adjoining property at the property line within fifty (50) feet thereof; (see page 9 of 15 of the Earth Filling and Excavation Regulations.

Documents Submitted with Application

- 1) Executed application with payment in full.
- 2) Brief written description of Applicant's intent.
- 3) Sediment Basin Requirements.
- 4) GIS (CAI Technologies) Location Mapping.

Staff Has Also Included

- 1) Page 9 of 15 of the Earth Filling and Excavation Regulations showing Section 560.7(i)(2) – which the Applicant is referring to in their request.
-

Legal Notices

- 1) Legal Notice was posted with Town Clerk on June 4th, 2021
 - 2) Legal Notice was posted to the PZC webpage on June 4th, 2021
 - 3) Legal Notice was published in the Norwich Bulletin on Monday, June 7, 202 and Monday, June 14, 2021
 - 4) Notice of Public Hearing was posted at the site on or before Friday, June 11, 2021
- =====

OTHER REQUIRED APPROVALS

- 1) At present, it appears that all other approvals are current and up to date.
-

Staff Comments Are Continued on The Next Page

STAFF COMMENTS AND SUGGESTIONS

- 1) As of this writing – staff has not received comments back from the Town Engineer.
 - 2) This is a modification of a previously approved special permit.
 - 3) The commission may consider if they choose to require additional conditions at this time.
 - 4) The commission should state that all conditions presently in place shall continue along with this modification.
The Staff has also enclosed the two prior Approval Letters for Your Review and Consideration –
Application #18-1197 – Approved July 16, 2018
Application # 20-1243 – Approved May 18, 2020
 - 5) The commission members should review the regulations listed above.
-

Killingly Engineering Associates

Civil Engineering & Surveying

P.O. Box 421 Dayville, CT 06241
Phone: 860-779-7299
Fax: 860-774-3703



Application of Desmarais & Sons, Inc

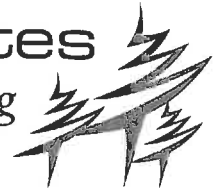
On behalf of the applicant, Killingly Engineering is providing this estimate of the volume of earth materials to be removed from a proposed excavation at a property located on Louisa Viens Drive in Killingly, historically utilized for gravel removal. Utilizing the average end area method, we have estimated a total of 223,000 cubic yards of material remain on the property to be excavated in 2 balanced phases. The previously approved application was for 254,000 cubic yards but proposed regrading is the result of encountering unsuitable materials which reduces the volume by approximately 31,000 cubic yards.

#21-1263

Killingly Engineering Associates

Civil Engineering & Surveying

P.O. Box 421 Dayville, CT 06241
Phone: 860-779-7299
Fax: 860-774-3703



Sediment Basin Requirements

Total Area of disturbance = 9.0 acres

Per Figure SB-1 of the 2002 E&S Guidelines – 50 tons per acre / year

Per Figure SB-2 of the 2002 E&S Guidelines – Density = 85-100 # per cubic foot (assume 92.5 average)

4.5 acres disturbed (max) = 225 tons

225 tons x 2000# per ton/92.5# per c.f. = 4,864 c.f. required per year

Total provided (2 Basins) = 28,778 c.f.

#21-1263



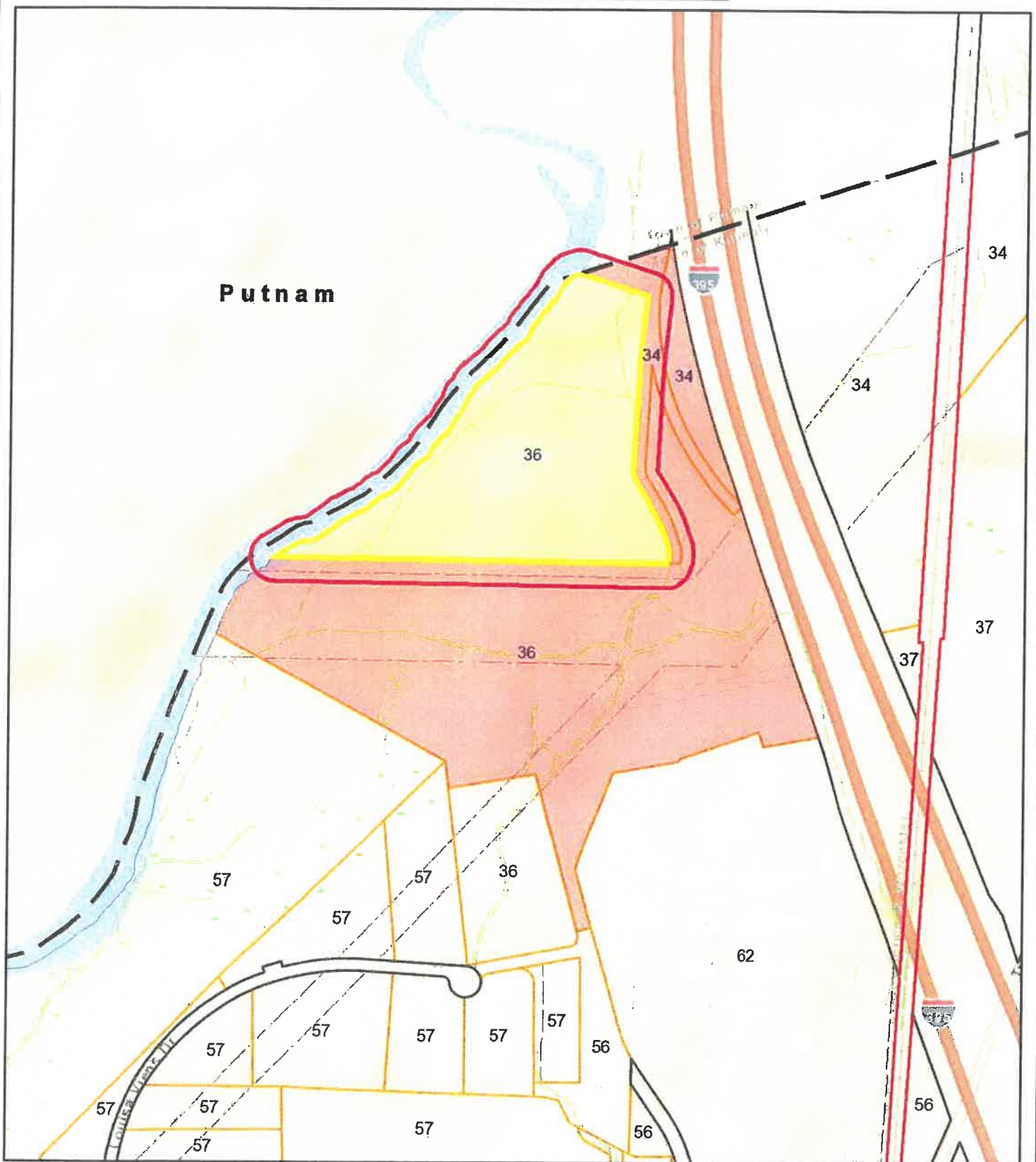
Killingly, CT



May 10, 2021

1 inch = 560 Feet

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

#21-1263

6:00 pm Monday through Friday, and Saturdays 7:00 am and 12:00 noontime. There shall be no operational activities on Sundays and following holidays: Christmas, New Years' Day, Memorial Day, Fourth of July, Labor Day, and Thanksgiving Day, except by special permission of the P&Z Commission.

b) No fixed or portable machinery used in a commercial operation shall be erected or maintained within two hundred (200) feet of any property or street line and not less than five-hundred (500) feet from any residence.

c) The location of crushing operations shall be dependent on a noise study performed by a qualified firm at the cost of the applicant. Reference is hereby made to Section 560.6.a.11 of these regulations, and the Town of Killingly Code of Ordinances, Section 12.5-125 Noise Levels, as amended.

d) Measures, to the satisfaction of the P&Z Commission, shall be taken to minimize nuisance from noise, dust, vibration and flying debris; all trucks shall be covered for off-site transport; suitable fences or other barricades shall be provided around the excavation to protect pedestrians and vehicles.

e) The operation shall not result in sharp declivities, pits or depressions or soil erosion, drainage or sewerage problems or conditions which would impair the reasonable reuse and development of the lot for purposes permitted under these Regulations in the zoning district where the site is located.

f) It shall be the responsibility of the permittee to ensure that vehicles removing earth materials from the premises are so loaded and/or secured, including load covers, ~~that there will be no spillage or release of such materials within the Town of Killingly.~~ The permittee shall be liable for the cost of cleaning any earth material spillage or repairing any damage to a road or roads of the Town of Killingly caused by improper loading, securing of loads or other operationally related activities.

g) No building except a field office or temporary shelter for machinery shall be erected on the premises except as may be permitted in the zoning regulations subject to approval by the P&Z Commission.

h) At all stages of operations, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.

i) No excavation, no rock quarry, conducted under a permit issued pursuant to these Regulations shall be:

1) Below the grade of any abutting highway within ~~one-hundred fifty (150) feet thereof~~, unless approved by the P&C Commission; or

2) Below the grade of any adjoining property at the property line ~~within fifty (50) feet thereof~~ or

3) Within ~~one-hundred fifty (150) feet of~~ any dwelling existing at the date the permit is issued without the written approval of the abutting owner of private property or of the owner of the dwelling to be affected and the approval of the P&Z Commission.

EXCAVATION
LIMITS
AT
ABUTTING
TOP

SECTION 560 – EARTH FILLING AND EXCAVATION

Approved: November 20, 2017

Effective: December 18, 2017

Page 9 of 15

#21-1263



TOWN OF KILLINGLY

PLANNING & DEVELOPMENT OFFICE

172 Main Street, Killingly, CT 06239

Tel: 860-779-5311 Fax: 860-779-5381

July 30, 2018

CERTIFIED MAIL RETURN RECEIPT REQUESTED

No.: 7016 3560 0000 1709 4762

Dale Desmarais
Desmarais & Sons, Inc.
139 Country Club Road
Killingly, CT 06241

Dear Mr. Desmarais:

At its regularly scheduled meeting held on Monday, July 16, 2018, the Killingly Planning & Zoning Commission **approved with conditions**; Special Permit Application #18-1197; Desmarais & Sons, Inc.; request permit for earth filling and excavation under Section 560 of the TOK Zoning Regulations; 145 Alexander Parkway; GIS MAP 36, Lot 1, ~26.1 acres; Industrial Zone.

CONDITIONS OF APPROVAL – 1) That the plan is corrected to show that the Conservation Easement is in place; 2) That the boulders be used as a natural barrier along the wood line; 3) That all slopes be loamed and seeded; 4) The proposed stockpiles within the archeological area are to be moved to the south side of the stone wall after the completion of Phase I in the event that there is further archeological value.

Please note, that under the **Earth Filling and Excavation Section 560.7 Performance Standards**, you are required to follow all of those performance standards throughout the time line of your operation.

Legal Notice: The decision legal notice was published in the Norwich Bulletin on Wednesday, July 18, 2018. In accordance with state statutes, a 15 day appeal period commenced on that date. The end of the **appeal period will be over at the end of business on Thursday, August 2, 2018**. No further gravel excavation can be done until the appeal period is over.

Recording Sheet: The approval does not become official until a recording sheet is filed with the Town Clerk's office after the completion of the appeal period, **on or after Friday, August 3, 2018**. If you forward a check, payable to the Town of Killingly, in the amount of \$65.00 this office will make sure the recording sheet gets filed in the Town Clerk's Office on your behalf.

Next Renewal Date: **Earth Filling and Excavation Section 560.9 Approval Criteria** – states as follows
"e) No permit shall be issued by the P&Z Commission for a period exceeding thirty-six (36) months; but upon application, the permit may be renewed by the P&Z Commission for an additional three (3) years, for no more than a grand total of a thirty (30) year period...Any application to renew or amend an existing permit shall be filed with the P&Z Commission at least sixty-five (65) days prior to the expiration date for the permit."

#21-1263

1) Expiration Date of this permit – July 16, 2021;

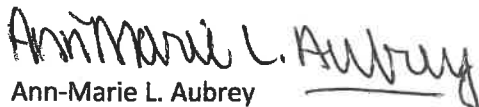
2) Date to file application to renew on or before – April 16, 2021*

*Of course, if the applicant is going to proceed with Phase 2 before that date, according to the conditions listed above, the applicant must renew its permit prior to the date listed above.

Your obligations: Issuance of a special permit approval by the Planning and Zoning Commission does not abrogate your responsibility to obtain permits that may be required from other local, state, or federal agencies prior to the commencement of your project.

If you have any questions regarding this matter, please feel free to contact me at 860-779-5311 during our normal business hours - Monday, Wednesday and Thursday 8:00 am to 5:00 pm; Tuesday 8:00 am to 6:00 pm; and Friday 8:00 am to 12:00 noon. Voicemail is available after hours if you need to leave a message.

Respectfully,



Ann-Marie L. Aubrey

Director of Planning & Development

Cc: Eric Rumsey, Planner I / IWWA (email)
Tracy Bragg, Building Official (email)
Diane Guertin, Adm. Secretary (email)
David Capacchione, Town Engineer (email)
Mat Dube, Engineering Technician (email)

Jonathan Blake, Planning Assist/ZEO (email)
Randy Burchard, Fire Marshal (email)
Pat Colburn, Adm. Secretary (email)
Gary Martin, Asst. Town Engineer (email)
Elsie Bisset, Dir. Economic Development (email)



TOWN OF KILLINGLY

PLANNING & DEVELOPMENT OFFICE

172 Main Street, Killingly, CT 06239
Tel: 860-779-5311 Fax: 860-779-5381

FOR RECORDING PURPOSES ONLY

PARTY 1: Desmarais & Sons, Inc.
PARTY 2: Town of Killingly / PZC
DOC TYPE: Decision
ADD'L INFO: 145 Alexander Parkway
GIS MAP 36, Lot 1

DECISION LETTER

June 5, 2020

CERTIFIED MAIL RETURN RECEIPT REQUESTED

No.: 7018 0040 0000 4772 8543

Desmarais & Sons, Inc.
Attn: Dale Desmarais
139 Country Club Road
Killingly, CT 06241

Dear Mr. Dale Desmarais:

At its regularly scheduled meeting held on Monday, May 18, 2020, the Killingly Planning & Zoning Commission **approved** Special Permit Application #20-1243; Desmarais & Sons, Inc.; import of earth products for processing and screening; 145 Alexander Parkway; GIS MAP 36; Lot 1; ~26 acres; Industrial Zone.

CONDITIONS OF APPROVAL

No conditions were made a part of this new application; however, the applicant must be aware of any conditions placed upon the original special permit (file #18-1197), if any, are still in full force and effect.

Legal Notice: The decision legal notice was published in the Norwich Bulletin on Friday, May 22, 2020. In accordance with state statutes, a 15-day appeal period commenced on that date. The end of the **appeal period will be over at the end of business on Monday, June 8, 2020.**

Recording: The approval does not become official until an original signed copy of this letter is filed with the Town Clerk's office after the completion of the appeal period, **on or after Tuesday, June 9, 2020.** The cost to file this decision letter is \$68.00; if the applicant provides a check for that amount, made out to the "Town of Killingly"; this office will record the decision letter on the applicant's behalf.

Site Plan/ Mylar Recordings:

As this extension of the special permit did not alter the original site plans, no further site plans need to be recorded at this time.

5 Year Site Plan Expiration Date:

Does not apply, as the prior site plan expiration date is still in full force and effect.

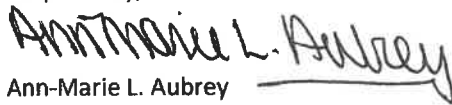
Zoning Permit: Before the start of construction of your proposed project, you are required to apply for and obtain a zoning permit. No zoning permit can be issued **until after the appeal period is over on or after Tuesday June 9, 2020, the recording sheet, and the mylars have both been filed.** The fee for the zoning permit is \$60.00, and the check should be made out to the Town of Killingly, payment will be required from you at the time you apply for the zoning permit.

#21-1243

Your obligations: Issuance of a special permit approval by the Planning and Zoning Commission does not abrogate your responsibility to obtain permits that may be required from other local, state, or federal agencies prior to the commencement of your project.

If you have any questions regarding this matter, please feel free to contact me at 860-779-5311 during our normal business hours - Monday, Wednesday and Thursday 8:00 am to 5:00 pm; Tuesday 8:00 am to 6:00 pm; and Friday 8:00 am to 12:00 noon. Voicemail is available after hours if you need to leave a message.

Respectfully,



Ann-Marie L. Aubrey
Director of Planning & Development

Cc: Jonathan Blake, Planner 1 (email) Marina Capraro, Assistant Planner (email)
Tracy Bragg, Building Official (email) Randy Burchard, Fire Marshal (email)
Diane Guertin, Adm. Secretary (email) Pat Colburn, Adm. Secretary (email)
David Capacchione, Town Engineer (email) Gary Martin, Asst. Town Engineer (email)
Jill St. Clair, Dir. Economic Develop. (email) Tax Assessor's Office (email)
Normand E. Thibeault, Jr., PE. (email)

VI. PUBLIC HEARINGS – (review / discussion / action)

- 2) **Zone Text Change #21-1265**; Douglas Construction Company; Special Permitted Use; Add Section 420.2.2.q General Commercial Zone; Special Permitted Use; Distribution Center Facility.
-

APPLICANT(S):	Douglas Construction Co.
LANDOWNER(S):	Does Not Apply – TEXT AMENDMENT
SUBJECT PROPERTY:	Does Not Apply – TEXT AMENDMENT
ASSESSOR’S INFO:	Does Not Apply – TEXT AMENDMENT
ZONING DISTRICT:	General Commercial Zone
REQUEST:	Request to add Distribution Center Facility as a Special Permitted Use in the GC Zone
REGULATIONS:	ARTICLE IX – Section 900

Documents Submitted with Application

- 1) Executed application with payment in full.
- 2) Brief written description of Applicant’s intent (date 04/08/2021).

Staff Has Also Included

- 1) Article received on news feed regarding retailer echoing Amazon.
-

Legal Notices

- 1) Legal Notice (of the hearing) was posted with Town Clerk on June 4th, 2021
 - 2) Legal Notice was posted to the PZC webpage on June 4th, 2021
 - 3) Legal Notice was published in the Norwich Bulletin on Monday, June 7, 202 and Monday, June 14, 2021
 - 4) The Memorandum with the complete wording was posted with the Town Clerk on May 21, 2021.
 - 5) The Memorandum to NECCOG with the complete wording was received at NECCOG on May 21, 2021.
-

STAFF COMMENTS AND SUGGESTIONS

Staff has reviewed the application in detail and has compared the written request with the general conditions of the general commercial zone, the guidelines that can be used by the commission when reviewing a special permitted use, along with the requirements of site plan review.

- (*) Article VII, Section 700, et seq – Special Permits
- (*) Article IV, Section 470 – Site Plan Review
- (*) Article IV, Section 420.2 – General Commercial Use

1) The conditions listed in the above-mentioned sections of the Town of Killing Zoning Regulations, and the proposed conditions listed in the submittal make it appear that the proposed use would have limited application in the general commercial zone.

2) The condition on the proposed text under section 2.g. will need to have an increased buffer zone to meet the requirements of the general commercial use (section 420.2).

- 3) Even the general commercial zone allows an increase in lot coverage from 65% to 75% with a special permit, so that is already in agreement with condition 2.h. for the lot area.
 - 4) Even the request for additional height (10 feet) under condition 2.h. **"MAY"** be granted by the commission – so that is still left up to the discretion of the commission.
 - 5) Staff reminds the commission that a special permit is NOT an use of right. The commission will have input when such an application comes before them.
 - 6) Staff also recommends that the commission members read the news article submitted.
-

Proposed Special Permit Use

Add Section 420.2.2.q General Commercial Zone (Special Permit Use)

Q. Distribution Center Facility

1. Definitions:

- a. A building or group of buildings used to meet the temporary and long-term needs of storage and fulfillment for goods and products between a vendor and end user, owned or leased by businesses, organizations or logistics operators for the purpose of serving the regional community in processing, storage and delivery of goods and products.
- b. For the purpose of this regulation only, fulfillment shall include the warehousing, order processing, picking, packing and shipping of clients' goods and products to be delivered to the end user.

2. Conditions:

- a. The facility shall have controlled gate access for distribution vehicular traffic, though employee vehicle traffic for parking purposes shall not required gated access.
- b. Outdoor storage of shipping trailers may be provided; however, this area must be landscape screened from abutting uses if they differ in zoning or a use not provided within the General Commercial Zoning Regulation.
- c. A copy of all State of Connecticut Licensing must be submitted to the Planning & Development Office. Copies of the originals of said licensing must be displayed in the office at the location of the facility.
- d. Accessory uses such as the field organization of trailers, ancillary trailer or truck repairs, trailer parking and others may be permitted only if they are otherwise permitted uses in the zone in which the facility is located, meet the development standards of the zone, or are uses currently being performed within the zone.
- e. All goods and products stored or packaged in the Distribution Center Facility shall be contained within the facility except for those items that are contained within a trailer stored outside of the facility.
- f. Truck loading docks shall not be located on the street facing side of the building, if that side of the build is directly opposite of the street with no other landscape or building buffer, or be located on the building side that abuts a residentially zoned parcel without adequate landscape buffer and screening.
- g. All parts of the perimeter which are adjacent to a residential zone shall be screened by a fence or wall or with a landscape buffer at least fifteen (15) feet wide. Additional setback and the reorientation of the buildings may be required to ensure compatibility with surrounding properties.
- h. As an incentive to encourage the more efficient use of land and commercial activity, the Commission may increase the maximum building coverage an additional 10% and building height an additional 10 feet above the underlying zoning requirements for Distribution Center Facility.
- i. Existing Distribution Center Facilities may be permitted to expand or construct new buildings on parcels being zoned as General Commercial after the date of adoption of this regulation. The expansion or new construction shall be consistent with and meet the applicable standards of the zoning district in which the facility exists.

21-1265

Proposed Text Change – General Commercial Zone (Town of Killingly Zoning Regulations)

j. All outdoor lighting shall be night sky compliant.

3. Prohibited Uses:

- a. Sale or auction to the public by private parties of any goods or products contained at the location.
- b. The operation or use of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, or other similar equipment or appliances other than to support the uses and minimal maintenance needs as prescribed above.
- c. Any use that is noxious or offensive because of odors, dust, noise, chemicals, gas, fumes, or vibrations.
- d. Kenneling or storage of animals or live pets.
- e. The facility may not be used for any manufacturing or fabrication purposes that fall outside of the use of a Distribution Center Facility.
- f. The facility may not be used for the storage or fulfillment of any goods or products that are considered unstable, hazardous, or extra hazardous by any governmental agency or responsible insurance agency.
- g. Repair or service work on motorized vehicles other than minimal or modest repairs to trucks or trailers in an emergency capacity.
- h. No outdoor storage of storage pods or shipping containers.

#21-1265

Memorandum

To: Chair and Members of the Zoning Committee

From:

Subject: Zoning Ordinance Text Amendment
Indoor Storage / Warehousing as a Special Use

Date: April 8th, 2021

Request

For there to be consideration of a text amendment to the Zoning Ordinance, allowing for Retail Storage, Warehousing, and Indoor Storage as a Special Use under the General Commercial Zone.

Basis

The United States consumer base has entered into a new era of product access and purchasing convenience, a component of wholesale and retail product acquisition that has become increasingly important to end users. As a result, and to support this ever-growing demand, the process by which products are purchased and delivered to the end user has changed significantly, bringing with it a new set of requirements for wholesalers and retailers. This shift in consumer demand and in the product delivery process has redefined how wholesales, retailers, and product aggregators perform their business – in turn, generating a new set of building use specifications to support the change in business.

Building Use Comparison

If we take the example of a large box wholesale/retailer in the home improvement arena, the physical use of these types of buildings breakdown to the following:

- Building structure with high bay clearance.
- Network of interior racking for product storage and display.
- Truck and delivery access to support the product needs of the location.
- Public access to purchase products.

As online purchasing becomes more and more prevalent, less and less public access is required for the wholesale/retailer to perform the overall task of selling and delivering products into the end users' hands. Instead of having a location that the public visits to acquire products, the wholesale/retailer is now fulfilling product purchase and delivery from these same locations, as well as dedicated warehouse locations. The building use comparison in this changed process is broken down as follows:

- Building structure with high bay clearance.
- Network of interior racking for product storage.
- Truck and delivery access to support the product needs of the location.

#21-1265

- Truck access to support the delivery needs to the end user.

The primary difference is instead of people entering the store locations to acquire their products, vehicles are being loaded with the products and delivering to the prescribed end user.

In theory, as many have undoubtedly experienced, the current “wholesale/retail” locations are already performing this altered logistical process in the form of processing online orders through their existing locations – consider *In-Store Pick OR Next Day Delivery*. While brick and mortar stores will always be necessary for most retailers, as the percentage of online ordering outweighs the percentage of in-store purchases, the operators of these businesses must work towards more efficient solutions to keep pace with the consumers’ purchasing preferences.

Proposed Requirements

Special Use Permits allowing for Retail Storage, Warehousing, and Indoor Storage would require the following requirements:

- Where any General Commercial district adjoins a residential district, or an existing and occupied residential structure, regardless of zone, a 35-foot-wide landscape/hardscape buffer shall exist between the proposed new structure and the residential district or district containing an existing or occupied residential structure.
- Noise generation may not exceed that of previously accepted General Commercial uses.
- Dark Sky Lighting shall be required and designed to limit light pollution beyond the defined buffer.

#21-1265



The all-electric VW® ID.4 SUV - Unlike...

Ad www.vw.com



MINI Electric Hardtop 2 Door - A New Icon...

Ad www.miniusa.co...

▶ AdChoices

5/21/2021



Echoing Amazon: Walmart, Target try local package delivery

By Lisa Baertlein 1 day ago



RELATED QUOTES

AMZN +0.49% ▲ WMT +0.35% ▲ TGT +1.41% ▲

< | >

By Lisa Baertlein



© Reuters/BETH HALL A Walmart electric van used for grocery delivery

LOS ANGELES (Reuters) -Walmart and Target are testing their own home package delivery services in the United States - stealing a page from Amazon's play book - as e-commerce demand strains traditional carriers like United Parcel Service, FedEx and the U.S. Postal Service.

The move is just the latest example of how Walmart Inc and Target Corp are working to close the gap with Amazon.com Inc, the No. 1 online retailer. Amazon has recruited armies of small businesses to provide delivery services from vans emblazoned with the company's logo - an effort that has helped it control customer wait times and costs.

UPS, FedEx Corp and the USPS have been inundated with packages since the coronavirus pandemic hit U.S. shores last year - forcing retailers to seek new ways to get goods into the hands of customers while containing soaring delivery costs.

21-1265



Member FDIC

Earn \$700. Open new eligible accounts w/ required activities, limited time only.

Marcus:
by Goldman Sachs
Goldman Sachs Bank USA
Member FDIC

0.50%
APY¹

Sponsored by Bank of America

CHECKING ACCOUNT OFFER

OPEN ACCOUNT

ONLINE SAVINGS ACCOUNT

OPEN ACCOUNT

Ad Advertiser Disclosure

Walmart - a key FedEx delivery customer - has been trialing its first company-branded "last-mile" delivery vans, John Furner, Walmart's U.S. chief executive, said on the company's earnings call on Tuesday.

Since January, a small, electric van fleet has made package deliveries in the Bentonville and Rogers areas near Walmart's Arkansas headquarters, company spokeswoman Camille Dunn said. The drivers work for Walmart, which also employs its semi-truck drivers.

When asked about Walmart's project, shipping consultant Cathy Morrow Roberson said: "Hallelujah. They can afford to build out a last-mile delivery network. They built out a trucking network."

Keeping package delivery operations in-house could give Walmart an advantage, said Roberson, founder of Logistics Trends & Insights.

"I wouldn't say that they get customers away from Amazon, but they can certainly put up a good fight," she said.

Retailers are dealing with a trucker shortage that threatens their ability to stock their stores. However, van drivers in theory should be easier to find because they don't require professional licenses like big-rig drivers do.

Target so far is depending on independent drivers from Shipt, which it bought in 2017.

The retailer earlier this year began testing home package delivery from a new sorting center in its hometown of Minneapolis. Workers in that center group packages by zone and hand some over to drivers for Shipt, who use their own cars for deliveries.

The effort, which is fortified by acquired technology from transport management provider Grand Junction and delivery firm Deliv, aims to "add capacity, reduce costs and enable more flexibility," Target Chief Operating Officer John Mulligan said on a conference call on Wednesday.

>

Walmart, Target and Amazon use gig workers to make same-day, local deliveries. Amazon's service is called Flex. Walmart has its own Spark Driver delivery platform and taps on-demand services from companies such as DoorDash and Postmates. Target depends on Shipt and other providers.

(Reporting by Lisa Baertlein, Editing by Rosalba O'Brien)

VIII. NEW BUSINESS – (review/discussion/action)

1) **Site Plan Review Application #21-1262**; Kevin Crump/Frito-Lay; 1886 Upper Maple Street, Killingly, CT 06241; GIS MAP 62, LOT 53; ~79.0 acres; Industrial Zone; the project consists of a new building expansion with storm water and asphalt improvements. (REVIEW/DISCUSSION/ACTION)

APPLICANT(S):	Kevin J. Crump
LANDOWNER(S):	Frito-Lay, Inc.
SUBJECT PROPERTY:	1886 Upper Maple Street
ASSESSOR'S INFO:	GIS MAP 62; LOT 53; ~79 acres
ZONING DISTRICT:	Industrial Zone
REQUEST:	The project consists of a new building expansion with storm water and asphalt improvements.
REGULATIONS:	Article IV – Site Plan Review, Section 470 – et sec.

COMMENTS ABOUT THIS APPLICATION

Documents attached hereto:

- 1) Site Plan Review Application – fee paid in full.
 - 2) Site Plan Drawings / Maps – (presented through Power Point presentation)
- =====

OTHER REQUIRED APPROVALS

- 1) Received IWWA approval – copy is enclosed herewith
-

STAFF COMMENTS AND SUGGESTIONS

- 1) Though this application includes a building expansion, it does not increase the amount of impervious surface at the site.
-



TOWN OF KILLINGLY

PLANNING & DEVELOPMENT OFFICE

172 Main Street, P.O. Box 6000, Danielson, CT 06239

Tel: 860-779-5311 Fax: 860-779-5381

For Recording Purposes Only

Party 1: Frito Lay Inc.

Party 2: Town of Killingly / IWWC

Type Doc: Decision

Add'l Description: 1886 Upper Maple St, Map ID 001999, Alt ID 62-53

Decision Letter

May 21, 2021

Kevin Crump
111 Riverside Ave.
Jacksonville FL, 32202

**RE: APPROVAL – IWWC APPLICATION #21-1524
1886 UPPER MAPLE STREET, KILLINGLY, CT 06241
MAP ID 001999; ALT ID 62-53 – INDUSTRIAL ZONE**

Dear Mr. Crump:

On May 18, 2021, the Killingly Inland Wetlands and Watercourses Authorized Agent approved Application #21-1524 of Kevin Crump on behalf of Frito Lay Inc for Phase 1 Expansion project - electrical yard pre-fabricated building and associated site work within the 200' upland review area; Located at 1886 Upper Maple Street; Map ID 001999; Alt ID 62-53; 79.04 acres; Industrial Zone.

NOTE: This letter constitutes a report to the Town of Killingly Planning and Zoning Commission under Connecticut General Statutes 8-3(g); 8-3c (b), and 8-26(e).

Conditions of this approval are as follows:

- Provide additional silt fence / erosion & sediment controls around the electrical yard area of disturbance. Call for inspection by Staff.

As for all approvals, the standard requirements of wetlands approvals apply to this application:

1. The site must be developed according to the approved plans.
2. The erosion and sediment controls; i.e.: silt fences and/or hay bales, need to be installed according to the approved plan and then the applicant must contact the Wetlands Agent for an inspection, the E&S must be found to be satisfactory before any zoning permit is issued or any work is to begin.
3. The erosion and sediment controls must be maintained throughout construction and remain in place until all disturbed slopes have been stabilized, seeded and the vegetation has either been mowed twice or grown to at least 6 inches in height.
4. All disturbed slopes must be stabilized within one season (spring or fall) of the completion of the project before a Certificate of Compliance (COC) will be issued.
5. A "Conservation Mix" is recommended, for the seeding of all disturbed areas that are not to be established as formal lawn areas.
 - a. This seed mix can be found in home and garden centers, it will have "Conservation Mix" on the label.

- b. It does not contain seed that would introduce invasive plants that spread into the natural vegetation beyond the limits of disturbance.
- 6. Any change from the plan approved by the commission within 200' of the wetlands or watercourses must be resubmitted to the Killingly Inland Wetlands and Watercourses Commission for its approval.
- 7. Onsite wetlands/watercourses must be permanently marked. The wetlands/watercourse disks are available from the Killingly Planning and Development Office. Please follow the requirements below for posting the disks.
 - a. Disks must be posted with:
 - i. One disk must be posed at each boundary corner, facing outward from the wetlands;
 - ii. And every 75 feet in between, along the boundary of the delineated wetlands, facing outward from the wetlands. If there are no suitable trees at approximately 75' you may use a permanent post that has not been treated with arsenic.
 - iii. Using aluminum nails only, at a 4' height on each tree or post
 - b. You need to leave about ¼ inch space between the disk and the tree to allow the tree to grow.

The decision legal notice was posted on the Town website (Killingly.org) on Tuesday, May 18, 2021 (Pursuant to the Governor's Executive Order 7B – RE: COVID-19); the 15-day appeal period will commence on that date. **This approval does not become official until an original signed copy of this letter is filed with the Town Clerk.** The decision letter must be filed at the completion of the 15-day appeal period (**Wednesday, June 2, 2021**). If you wish, upon receipt of a \$65.00 check (made payable to the Town of Killingly), this office will file the decision letter for you.

This approval will be valid for a five-year period, ending on Monday, May 18, 2026. Extension of this permit will be allowed by the IWWC in accordance with state statutes.

Issuance of the IWWC permit does not abrogate the responsibility of the applicant to obtain permits that may be necessary from other agencies at the local, state or federal level prior to commencing your project.

If you have any questions regarding this matter, please contact me at 860-779-5311, Monday, Wednesday & Thursday 8:00 AM to 5:00 PM; Tuesday 8:00 AM to 6:00 PM and Friday, 8:00 AM to Noon. Voice mail is available after normal business hours.

Sincerely,

Jonathan Blake
Planner 1 / Zoning Enforcement Officer

cc: Ann-Marie Aubrey, Director of Planning and Development (via email)
File



**TOWN OF KILLINGLY, CT
PLANNING AND ZONING COMMISSION
MONDAY – MAY 17, 2021**

**Regular Meeting
7:00 PM
TOWN MEETING ROOM – 2ND FLOOR
Killingly Town Hall
172 Main Street
Killingly, CT**

RECEIVED
TOWN CLERK, KILLINGLY, CT
2021 MAY 25 PM 4:27
Elizabeth M. Wilson

DUE TO COVID-19 THE PUBLIC MAY VIEW THIS MEETING AS DESCRIBED BELOW

MINUTES

**THE PUBLIC CAN VIEW THIS MEETING ON FACEBOOK LIVE.
GO TO www.killinglyct.gov AND CLICK ON FACEBOOK LIVE AT THE BOTTOM OF THE PAGE.**

I. CALL TO ORDER – Chair, Keith Thurlow, called the meeting to order at 7:01 pm.

ROLL CALL – Brian Card, Virge Lorents (via Webex), John Sarantopoulos, Keith Thurlow.
Matthew Wendorf was absent with notice.

Staff Present – Ann-Marie Aubrey, Director of Planning & Development; Jonathan Blake, Planner I/ZEO.

Also Present – Brian Dotolo, Project Director, Scott Lyons and Steven Cole, Civil Engineers from the Haskell Corporation; Roger Gieseke and Silvino Quenga from Frito-Lay; Carson Mislik; Ryan Lenares; Rob Iacobucci from Green Skies; Bradley Parsons, All Points Technology Corp.; Bob Angeli, Patti Larrow George, Town Council Liaison.

II. SEATING OF ALTERNATES – None.

III. AGENDA ADDENDUM

Motion was made by Brian Card to add the following to the Agenda under SECTION VIII. NEW BUSINESS:

Section 8-24 Review, Application #21-1266 – Town of Killingly; Killingly High School, 226 Putnam Pike; GIS MAP 79, LOT 2; ~141 acres; Rural Development Zone – Installation of ground mounted solar panel array. (review/discussion/action).
Second by John Sarantopoulos. No discussion.

Roll Call Vote: Brian Card – yes; Virge Lorents – yes; John Sarantopoulos – yes; Keith Thurlow – yes.

Motion carried unanimously (4-0-0).

IV. CITIZENS' COMMENTS ON ITEMS NOT SUBJECT TO PUBLIC HEARING (Individual presentations not to exceed 3 minutes; limited to an aggregate of 21 minutes unless otherwise indicated by a majority vote of the Commission)

NOTE: Pursuant to Governor's Executive Order 7B, all public comments can be emailed to publiccomment@killinglyct.gov or mailed to the Town of Killingly, 172 Main Street, Killingly, CT 06239 on or

before the meeting. All public comment must be received prior to 2:00 PM the day of the meeting. Public comment received will be posted on the Town's website www.killingct.gov.

NOTE: To participate in the CITIZENS' COMMENTS– the public may join the meeting via telephone while viewing the meeting on Facebook live.

To join by phone please dial 1-415-655-0001; and use the access code 132-433-9226 when prompted.

Ann-Marie Aubrey stated that no comments had been received, noting that the cut-off is now 2 p.m. If any comments were received after 2 p.m., they will be read aloud at the next meeting of the Planning and Zoning Commission. Ms. Aubrey read the above phone number and access code for anyone who wishes to participate during citizens' comments.

V. COMMISSION/STAFF RESPONSES TO CITIZENS' COMMENTS – None.

VI. PUBLIC HEARINGS – (review / discussion / action)

NONE

NOTE: To participate in THE PUBLIC HEARINGS – the public may join the meeting via telephone while viewing the meeting on Facebook live.

To join by phone please dial 1-415-655-0001; and use the access code 132-433-9226 when prompted.

VII. UNFINISHED BUSINESS – (review / discussion / action)

NONE

VIII. NEW BUSINESS – (review/discussion/action)

1) Site Plan Review Application #21-1261; SimRay Real Estate Holdings, LLC; 75 Soap Street, Killingly, CT 06241; GIS MAP 80, LOT 2; ~84 acres total, only a 473' x 460' portion to be used for temporary parking of tractor trailers.

Receive, and if the application is complete, the applicant is requesting that the site plan approval be completed by staff.

Ann-Marie Aubrey stated that the Application is complete and explained that the Applicant requested that, since it is only a temporary parking area, the approval be done by Staff so they won't have to wait until next month.

Motion was made by Virge Lorents to receive and allow Staff to complete the review (as requested by the Applicant) for **Site Plan Review Application #21-1261**; SimRay Real Estate Holdings, LLC; 75 Soap Street, Killingly, CT 06241; GIS MAP 80, LOT 2; ~84 acres total, only a 473' x 460' portion to be used for temporary parking of tractor trailers.

Second by John Sarantopoulos.

Discussion:

Brian Card stated that, given the relation of this one to the approved application from last month, he feels that it makes sense to have Staff complete the review and work with the Town Engineer.

Keith Thurlow asked if there was a drawing. Ms. Aubrey will provide him a copy. She explained that the Town Engineer has already been to the site, the area has been cleared off and it will be gravel. It is basically the type of parking area that is there right now. They are just going to be moving the trailers over and improve their parking area and move the trailers back over to the new parking lot.

Mr. Thurlow asked about the duration. Roger Gieseke from Frito-Lay explained that the intent is to lease that property for 24 months with an option to extend to 36 months to support the south lot as well as the construction that is going on in the Application submitted today.

Mr. Thurlow asked about MS-4. Ms. Aubrey stated that the Town Engineer has been looking at that and verifying.

Mr. Thurlow stated concern for dust issues being addressed. Mr. Blake stated that if a dust condition was identified, they would ask for water treatment of that surface.

Roll Call Vote: Virge Lorents – yes; John Sarantopoulos – yes; Brian Card – yes; Keith Thurlow – yes. Motion carried unanimously (4-0-0).

2) Site Plan Review Application #21-1262; Kevin Crump/Frito-Lay; 1886 Upper Maple Street, Killingly, CT 06241; GIS MAP 62, LOT 53; ~79.0 acres; Industrial Zone; the project consists of a new building expansion with storm water and asphalt improvements. **Receive, and if the application is complete, schedule for action at the next regularly scheduled meeting, Monday, June 21, 2021.**

Ann-Marie Aubrey stated that the Application is complete.

Motion was made by Virge Lorents to receive and schedule for action **Site Plan Review Application #21-1262;** Kevin Crump/Frito-Lay; 1886 Upper Maple Street, Killingly, CT 06241; GIS MAP 62, LOT 53; ~79.0 acres; Industrial Zone; the project consists of a new building expansion with storm water and asphalt improvements, for the next regularly scheduled meeting of the Planning and Zoning Commission on Monday, June 21, 2021, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.

Second by John Sarantopoulos. No discussion.

Roll Call Vote: John Sarantopoulos – yes; Brian Card – yes; Virge Lorents – yes; Keith Thurlow – yes. Motion carried unanimously (4-0-0).

3) Special Permit Application #21-1263; Desmarais & Sons, Inc.(Landowner – 145 Alexander Parkway, LLC); 145 Alexander Parkway; GIS MAP 36, LOT 1; ~26.0 acres; Industrial Zone. Applicant proposes to modify grading from Previous Approval. **Receive, and if the application is complete, schedule for a public hearing at the next regularly scheduled meeting, Monday, June 21, 2021.**

Keith Thurlow turned over the Chair position to Brian Card and recused himself. He remained at the table.

Ann-Marie Aubrey stated that the Application is complete.

Motion was made by John Sarantopoulos to receive and schedule a public hearing for **Special Permit Application #21-1263;** Desmarais & Sons, Inc. (Landowner – 145 Alexander Parkway, LLC); 145 Alexander Parkway; GIS MAP 36, LOT 1; ~26.0 acres; Industrial Zone. Applicant proposes to modify grading from Previous Approval, for the next regularly scheduled meeting of the Planning and Zoning Commission on Monday, June 21, 2021, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.

Second by Virge Lorents. No discussion.

Roll Call Vote: Virge Lorents – yes; John Sarantopoulos – yes; Brian Card – yes.

Motion carried unanimously (3-0-0). Keith Thurlow had recused himself.

4) Zone Text Change #21-1264; Town of Killingly; Special Permitted Use; Add Section 420.2.2.p General Commercial Zone; Special Permitted Use; Self-Service Storage Facilities. **Receive, and if the application is complete, schedule for a public hearing at the next regularly scheduled meeting, Monday, June 21, 2021.**

Ann-Marie Aubrey explained that this is being created by Staff as there have been numerous questions. The Regulations are very limited on this subject and they feel it is time to look into it since people are wanting to put storage units in. A draft of proposed language had been provided to Commission Members for review. There was discussion regarding Commission participation in creating the document and it was decided to hold a workshop.

Motion was made by Brian Card to schedule a workshop to add Section 420.2.2.p General Commercial Zone; Special Permitted Use; Self-Service Storage Facilities, for next month (**June 2021**).

Second by John Sarantopoulos.

Discussion:

Ann-Marie Aubrey explained that there is no deadline since it is a Town Application.

Roll Call Vote: Brian Card – yes; Virge Lorents – yes; John Sarantopoulos – yes; Keith Thurlow – yes.

Motion carried unanimously (4-0-0).

5) Zone Text Change #21-1265; Douglas Construction Company; Special Permitted Use; Add Section 420.2.2.q General Commercial Zone; Special Permitted Use; Distribution Center Facility. **Receive, and if the application is complete, schedule for a public hearing at the next regularly scheduled meeting, Monday, June 21, 2021.**

Ann-Marie Aubrey stated that the Application is complete.

Motion was made by John Sarantopoulos to receive and schedule a public hearing for **Zone Text Change #21-1265**; Douglas Construction Company; Special Permitted Use; Add Section 420.2.2.q General Commercial Zone; Special Permitted Use; Distribution Center Facility, for the next regularly scheduled meeting of the Planning and Zoning Commission on Monday, June 21, 2021, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.

Second by John Sarantopoulos.

Discussion:

Ann-Marie Aubrey explained that, right now, it is in the Industrial Zone and Douglas Construction would like to put it in the General Commercial Zone with conditions to protect the people around the area (proposed text was included in the Application). Ms. Aubrey explained that distribution centers are the new brick-and-mortar retails. During COVID a lot of companies went to online sales and they can't compete with Amazon/Amazon Prime, so now they are starting to build their own distribution centers.

Brian Card recommended a workshop to work through any issues. He expressed concern regarding how many modifications could be made to the draft at the public hearing. Ms. Aubrey explained that it would be noticed that it could be changed at the public hearing and that there would be no more notification to the public. Mr. Card stated that he had read the draft and he feels that it is pretty straightforward, so he feels comfortable with scheduling the public hearing and would like to hear comments from the public.

Ms. Aubrey explained that this application for a zone text change is not attached to any particular parcel of land.

However, if this gets approved, it is likely that an Application for a distribution center will be submitted.

Roll Call Vote: John Sarantopoulos – yes; Brian Card – yes; Virge Lorents – yes; Keith Thurlow – yes.

Motion carried unanimously (4-0-0).

6) Section 8-24 Review, Application #21-1266 – Town of Killingly; Killingly High School, 226 Putnam Pike; GIS MAP 79, LOT 2; ~141 acres; Rural Development Zone – Installation of ground mounted solar panel array. (review/discussion/action).

Bradley Parsons, All Points Technology Corp., represented Green Skies. He explained that they had to wait for the rooftop solar to be installed at the High School before they could proceed with this plan. He displayed and orientated the plan:

- Mr. Parsons indicated where the solar array is to be located in the forested area.
- 800 kilowatts of power coming out and interconnecting into the electrical room at the school.
- Mr. Parsons indicated the wetlands on site (along the slope to the north of the array and in the northwest corner). They are avoiding these areas as much as possible – keeping the solar outside 100 feet from the wetlands. The closest disturbance is within 50 feet which is mainly the grading associated with swales and a storm water basin. He explained how the water will flow from the north and head to the south to the basin. The basin itself will outlet toward the smaller wetland area.

Brian Card asked about the clearcutting vs. modified to the parking-type structures for the other projects. Ryan Lenares, All Points Technology Corp., explained that they looked at the parking structures for the High School. The cost to build parking structures is very expensive and the end goal is to build the project and sell the power that is produced at a discounted rate back to the school. Ground-mounted project is cheaper to install than the carport structures. He explained that the utility rates at the other schools in Town are a little bit higher which allowed them to provide savings back to those buildings.

Mr. Card asked how many acres they will be clearcutting. Mr. Parsons stated: 3.3 acres for the array itself; a little over 6 acres for the proposed clearing for the limited disturbance.

Mr. Thurlow asked about the limit for the CT Citing Council to get involved. Mr. Parsons explained that it is 1 megawatt and that this project would not be subject to Citing Council jurisdiction.

Mr. Thurlow asked about whether the power would be sold back to the grid. Mr. Lenares explained that the school itself will be consuming the power. Projected annual savings to the school approximately \$124,000 in energy savings.

Mr. Thurlow asked about life expectancy. Mr. Lenares explained that it is 25 years (which is the length of the contract). After the 25 years, they are required (per the contract) to removed everything from the site, so there is no environmental mess.

Mr. Thurlow asked about restoration of the site. Mr. Parsons explained that restoration would be limited as it would be turned into, more or less, a meadow. Any ground disturbance would be restored and reseeded and the main restoration that would occur would, basically, be the removal, the gravel access and the equipment pad which would be restored, as well, with the seed mix. He said that this is part of Green Skies' contract with the Town.

Ms. Aubrey explained that this goes to Town Council for their approval and it also goes to the IWWC for their approval.

Motion was made by Brian Card to accept **Section 8-24 Review, Application #21-1266** – Town of Killingly; Killingly High School, 226 Putnam Pike; GIS MAP 79, LOT 2; ~141 acres; Rural Development Zone – Installation of ground mounted solar panel array.

Second by John Sarantopoulos. No discussion.

Roll Call Vote: John Sarantopoulos – yes; Brian Card – yes; Keith Thurlow – yes.

Motion carried unanimously (3-0-0). Virge Lorents was having technical difficulties during the vote.

IX. ADOPTION OF MINUTES – (review/discussion/action)

1) Regular Meeting Minutes – March 15, 2021 (tabled from last meeting)

Motion was made by Brian Card to accept the Regular Meeting Minutes – March 15, 2021 (tabled from last meeting).

Second by Virge Lorents. No discussion.

Roll Call Vote: John Sarantopoulos – yes; Brian Card – yes; Virge Lorents – yes; Keith Thurlow – yes.

Motion carried unanimously (4-0-0).

2) Regular Meeting Minutes – April 19, 2021

Motion was made by John Sarantopoulos to accept the Regular Meeting Minutes – April 19, 2021. Second by Brian Card. No discussion.

Roll Call Vote: Brian Card – yes; Virge Lorents – yes; John Sarantopoulos – yes; Keith Thurlow – yes.

Motion carried unanimously (4-0-0).

X. OTHER / MISCELLANEOUS – (review / discussion / action)

Keith Thurlow discussed accessory buildings on a property without a residential structure on it. He would like the Commission to revisit discussion on this issue.

Motion was made by Virge Lorents to revisit discussions regarding Accessory Buildings for the regularly scheduled meeting of the Planning and Zoning Commission on Monday, July 19, 2021, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.

Second by John Sarantopoulos. No Discussion.

Roll Call Vote: Virge Lorents – yes; John Sarantopoulos – yes; Brian Card – yes; Keith Thurlow – yes.

Motion carried unanimously (4-0-0).

Brian Card asked that the Commission revisit Solar also to be sure that environmental benefit is considered. Ms. Aubrey will schedule for July.

XI. CORRESPONDENCE

1) Environmental Land Use Restriction; 30 Rock Avenue, Killingly, CT. Letter received 04/26/2021 from Murtha Cullina Attorneys at Law; regarding same. A full copy of the correspondence and restriction is in the Planning and Development Office if anyone wishes to read it.

There was discussion. Ms. Aubrey stated that the document includes a map.

XII. DEPARTMENTAL REPORTS – (review/discussion/action)

A. Zoning Enforcement Officer's & Zoning Board of Appeal's Report(s) – No ZEO report. ZPB did not meet (no applications).

B. Inland Wetlands and Watercourses Agent's Report – Did not meet (no applications).

C. Building Office Report – Mr. Blake offered to print a copy of the permits for PZC Members who would like one.

XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT – No representation.

XIV. TOWN COUNCIL LIAISON REPORT

Patti Larrow George reported:

- Proclamation recognizing and supporting the Killingly Constabulary, CT State Police and other law enforcement agencies during the Month of May.
- Referendum: Both the BOE and the Town Government Budgets passed – mill rate 25.14.
- New waterline has been installed at Community Garden.
- Frito-Lay announced a \$235 million expansion bringing approximately 120 new job to the Community.

XV. ADJOURNMENT

Motion was made by Brian Card to adjourn at 7:50 p.m.

Second by Virge Lorents. No discussion. Motion carried unanimously by voice vote (4-0-0).

Respectfully submitted,

J.S. Perreault
Recording Clerk

SECTION 310.

DEFINITIONS

Access right-of-way - a strip of land in which a legal interest has been acquired permitting access to an adjoining interior lot from a public street, a proposed public street, or an approved private street. (Amend. of 10-17-83, § B)

Access strip - a portion of an interior lot, between the street line of a public street, a proposed public street, or an approved private street, that provides access to said interior lot from a public street, a proposed public street, or an approved private street. (Amend. of 10-17-83, § A)

Accessory use - a use or structure subordinate to and customarily incidental to the principal use of land or buildings on the same lot. Unless otherwise specified in this ordinance, no use or structure for commercial or industrial purposes shall be permitted as accessory in a residential zone. Normal sewer, water, and other utility lines shall be considered an accessory use in all zones. Satellite dish antennas shall be considered to be an accessory use. (Amend. of 2-10-86, § 6)

Active Face – that portion of the earth or rock excavation where material is being removed daily. In a rock quarry excavation this is typically referred to as the batter or bench face. (Added on 12-18-2017)

Active Senior Housing – Housing designed for seniors, 55 years or older and providing several, but not all of the services and facilities required for Assisted Living and/or Congregate Living Facilities. Furthermore, it is a housing facility or community that fully complies with the provisions of the United States Fair Housing Act 42 USC Section 3601 et seq. as amended, (and Connecticut State Statutes Section 46a-64B, as amended, as it pertains to “Housing for Older Persons.”) This includes compliance with any and all rules promulgated by the United States Department of Housing and Urban Development which govern implementation of such Act and compliance with all rules and restrictions promulgated by the Town of Killingly and set forth in this zoning regulation. (Amend. of 09-18-2017)

Actual use - the specific use to which a building or property is put. This term shall not be taken as referring to the category of uses allowed in any zone (i.e. all residential, commercial or industrial uses), but rather to a single type of such use. For example, conversion of a single-family house to a two-family house may not require a change in the residential zoning category, but is a change of actual use. Similarly, conversion of a tailor shop to a retail clothes store may not require a change in the commercial use category, but is a change in actual use.

Adult Day Care Facility – A facility established to offer activity programs authorized by the Department of Mental Retardation and/or the Department of Public Health including training in one or more of the following areas; self-care, activities on daily living, personal and social adjustment, work habits and skills, speech and language development. Such a facility may also offer a recreational program involving activities which may be of a social, athletic or purely diversionary nature. This definition does not include facilities that provide overnight care and accommodations. (Amend. of 09-18-2017)

Adult oriented Establishment - shall include, without limitation, “adult bookstores”, “adult motion picture theaters”, “adult mini-motion picture theaters”, and further means any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or any premises wherein an

ARTICLE III – DEFINITIONS

Issued: June 17, 2019

Page 2 of 17