



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

**MONDAY – August 16, 2021**  
**Regular Meeting – HYBRID MEETING**  
**7:00 PM**

**TOWN MEETING ROOM – 2<sup>ND</sup> FLOOR**  
**Killingly Town Hall**  
**172 Main Street**  
**Killingly, CT**

2021 AUG 16 AM 11:03  
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](http://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](mailto: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](http://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 132-074-1510 when prompted.

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

1) **Re-subdivision Application #21-1269**; Raymond and Diane Sorel; 1645 North Road; GIS MAP 21; LOT 20; ~50 acres; re-subdivide into two lots; Lot 20 to be 5.58 acres; and Lot 20-3 to be 44.49 acres; Rural Development Zone.

2) **Zone Text Change - #21-1270**; Town of Killingly; Proposed Amendment to Article VI {Administration and Enforcement}, (add) Section 640; Temporary and Limited Moratorium on Cannabis Establishments.

**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 132-074-1510 when prompted**

Hearings' segment closes.

Meeting Business will continue.

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

1) **Re-subdivision Application #21-1269**; Raymond and Diane Sorel; 1645 North Road; GIS MAP 21; LOT 20; ~50 acres; re-subdivide into two lots; Lot 20 to be 5.58 acres; and Lot 20-3 to be 44.49 acres; Rural Development Zone.

2) **Zone Text Change - #21-1270**; Town of Killingly; Proposed Amendment to Article VI {Administration and Enforcement}, (add) Section 640; Temporary and Limited Moratorium on Cannabis Establishments.

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

1) **Zone MAP Change Application # 21-1271** – Douglas Construction Co (James M. Vance/Landowner); 605 Providence Pike & 200 Hubbard Hill Road; Killingly, CT; GIS MAP 224, LOT 14; and GIS MAP 245, Lot 001; 177 & 12 acres; Rural Development; request change of zone from Rural Development to General Commercial for both parcels. Receive, and if complete, schedule for a hearing for September 20, 2021.

2) **Site Plan Review Application #21-1272** – James Cammilleri – JSC Management Group, LLC (Janco Central, Inc./Landowner); 6 Putnam Pike, Dayville, CT; GIS MAP 115, LOT 4; General Commercial Zone; 2.8 acres; expand drive-thru area to include a second lane and reconfigure southern parking area. Receive, and if complete, refer to staff to complete review.

3) **Special Permit Application #21-1273** – David Kode (Frito-Lay/Landowner); 1886 Upper Maple Street, Dayville, CT; GIS MAP 62, LOT 53; 94 acres; Industrial Zone; request special permit for proposed scope of work to exceed the maximum height of 50' as specified in table A of Section 450.

(\*) Applications submitted prior to 5:00 PM on MONDAY, AUGUST 9, 2021, will be on the agenda as New Business, with a "date of receipt" of MONDAY, AUGUST 16, 2021, and may be scheduled for action during the next regularly scheduled meeting of MONDAY, SEPTEMBER 20, 2021.

(\*) Applications submitted by 12:00 noon on FRIDAY, AUGUST 13, 2021, will be received by the Commission ("date of receipt") on MONDAY, AUGUST 16, 2021. However, these applications may not be scheduled for action on MONDAY, SEPTEMBER 20, 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 – July 19, 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?

3) **WORKSHOP – Discussion** – Five Mile River Overlay District (NO Staff Report Until September)

**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**



21-1269

5.58  
ACRES

44.49  
ACRES

FOR REFERENCE ONLY.  
FULL-SIZE MAPS/SURVEYS  
WILL BE AVAILABLE AT  
THE HEARING!

## Ann-Marie Aubrey

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**From:** Richard P. Roberts <ROBERTS@halloransage.com>  
**Sent:** Friday, July 2, 2021 10:04 AM  
**To:** Ann-Marie Aubrey; Jonathan Blake  
**Cc:** Mary Calorio; Kenneth R. Slater, Jr.  
**Subject:** Municipal Cannabis regulation  
**Attachments:** Proposed Amendment-Cannabis Establishment Moratorium.DOCX; section 148 of cannabis bill.DOCX

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good morning –

I hope you are all doing well. I'm not sure whether you have studied the recreational cannabis legislation, but there are some provisions regarding municipal zoning regulation of the facilities that are attached. We are recommending that our municipal clients consider the adoption of a cannabis moratorium zoning regulation to allow time for the Town and the planning and zoning commission to consider whether it wishes to prohibit or regulate recreational cannabis establishments. The troubling part of the statute is that it states that if not regulated or prohibited by zoning, cannabis establishments must be approved in the same fashion as similar uses. Presumably that means retailers (for sales) or agricultural uses (for growers) but it isn't clear. That statute does not state at what point in time someone can walk in the door and file an application for a site plan or special permit for such a facility if the planning and zoning commission has not taken action in regulating or prohibiting them. So in our view this or something like it should be adopted as soon as practical.

If you have any questions or concerns or want to discuss this further, please let me know. In the meantime, I hope you all have a great holiday weekend.

Rich



Richard P. Roberts, Esq.  
Halloran & Sage LLP  
One Goodwin Square, 225 Asylum Street  
Hartford, CT 06103-4303

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21-1270 - COME TO CHAIRMAN.  
PER TOWN ATTORNEY



**PROPOSED AMENDMENT TO**  
**ARTICLE VI, SECTION 640**  
**OF**  
**TOWN OF KILLINGLY AND**  
**BOROUGH OF DANIELSON**  
**ZONING REGULATIONS**

A. **Temporary and Limited Moratorium on Cannabis Establishments**

1. **Statement of Purpose.** This section has been adopted to provide the Commission with the time necessary to consider adoption of potential changes to the Zoning Regulations pursuant to Section 8-2 of the Connecticut General Statutes.

The Connecticut General Assembly has passed, and the Governor has signed S.B. 1201, An Act Concerning **Responsible and Equitable Regulation of Adult-Use Cannabis** (the "Act"), portion of which are effective on July 1, 2021. Said Act contains provisions allowing municipalities to prohibit or place certain restrictions on cannabis establishments except for existing dispensary facilities and producer for medical marijuana as defined in Chapter 420F, C.G.S., **Palliative Use of Marijuana** – legislation passed in 2012 authorizing the use of medical marijuana. This temporary and limited term moratorium has been adopted to provide the Town with the time necessary to develop regulations for cannabis establishments that meet statutory responsibilities and promote the public's general health, safety, and welfare.

2. **Definitions.**

- a. **Cannabis.** Marijuana as defined in Section 21a-240, C.G.S.

- b. **Cannabis Establishment.** Producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager and or delivery service.

- c. **Cultivator.** A person that is licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment with not less than fifteen thousand (15,000) square feet of grow space.

- d. **Delivery Service.** A person that is licensed to deliver cannabis from (A) micro-cultivators, retailers, and hybrid retailers to consumers and research program subjects, and (B) hybrid retailers and dispensary facilities to qualifying patients, caregivers, and research program subjects, as defined in Section 21a-408, C.G.S., or to hospices or other inpatient care facilities licensed by the Department of Public Health pursuant to Chapter 368v, C.G.S. that have a protocol for the handling and distribution of cannabis that has been approved by the department, or a combination thereof.

#21-1270

e. Dispensary Facility. Means a place of business where cannabis may be dispensed, sold, or distributed in accordance with Chapter 420f, C.G.S. and any regulations adopted thereunder, to qualifying patients and caregivers, and to which the department has issued a dispensary facility license under Chapter 420f, C.G.S. and any regulations adopted thereunder.

f. Food and Beverage Manufacturer. A person that is licensed to own and operate a place of business that acquires cannabis and creates food and beverages.

g. Hybrid Retailer. A person that is licensed to purchase cannabis and sell cannabis and medical marijuana products.

h. Micro-cultivator. A person licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment containing not less than two thousand (2,000) square feet and not more than ten thousand (10,000) square feet of grow space, prior to any expansion authorized by the commissioner.

i. Person. An individual, partnership, limited liability company, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee or any other legal entity and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination thereof.

j. Product Manufacturer. A person, excluding a producer, that is licensed to obtain cannabis, extract and manufacture products exclusive to such license type and who may sell or transfer cannabis and cannabis products to laboratories, research programs and cannabis establishments.

k. Produce Packager. A person that is licensed to package and label cannabis and cannabis products.

l. Retailer. A person, excluding a dispensary facility that is licensed to purchase cannabis and cannabis products from producers, cultivators, product manufacturers and food and beverage manufacturers and to sell cannabis and cannabis products to consumers and research programs.

m. Transporter. Means a person licensed to transport cannabis between cannabis establishments, laboratories, and research programs.

3. **Applicability.** During this temporary and limited-term moratorium, cannabis establishments shall be prohibited in the Town of Killingly and the Borough of Danielson, and all applications submitted for the approval of any cannabis establishment shall be denied by the Planning and Zoning Commission or Zoning Enforcement Officer, as may be appropriate.
4. **Effective Date/Term.** This temporary and limited moratorium shall become effective (immediately upon passage), **August 16, 2021**, and shall remain in effect until **December 31, 2022**.



**TOWN OF KILLINGLY, CT  
PLANNING AND ZONING COMMISSION  
MONDAY – JULY 19, 2021  
Regular Meeting – HYBRID MEETING  
7:00 PM**

RECEIVED  
TOWN CLERK, KILLINGLY, CT  
2021 JUL 26 PM 3:13  
*Elizabeth M. Wilson*

**TOWN MEETING ROOM – 2<sup>ND</sup> FLOOR  
Killingly Town Hall  
172 Main Street  
Killingly, CT**

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

**MINUTES**

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- I. **CALL TO ORDER** – Chair, Keith Thurlow, called the meeting to order at 7:02 pm.
- ROLL CALL** – Brian Card, Virge Lorents, John Sarantopoulos, Matthew Wendorf, Keith Thurlow (all were present in person).
- Staff Present** – Ann-Marie Aubrey, Director of Planning & Development; Jonathan Blake, Planner I/ZEO (both were present in person); Jill St. Clair, Director of Economic Development (present via Webex).
- Also Present** – Ken Slater, Town Attorney (in person); Nicholas H. Durgarian, Douglas Construction Company (via Webex); J.S. Perreault, Recording Clerk (via Webex).
- In the Audience:** Mike Cristina, Dayville; Bev Cristina, Dayville; Norm Thibeault, Killingly Engineering Associates; Justin Olsen, Markover Kennels (all were present in person).
- II. **SEATING OF ALTERNATES** – None.
- III. **AGENDA ADDENDUM** – None.
- 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](mailto: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](http://www.killingct.gov).

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Ann-Marie Aubrey read aloud the phone number and access code for the public to comment, and she stated that no comments had been received via e-mail.



V. COMMISSION/STAFF RESPONSES TO CITIZENS' COMMENTS

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

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**COMMENTS FROM THE PUBLIC** – There were none.

1) **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. – **CONT FROM JUNE 21, 2021**

There was discussion with Town Attorney, Ken Slater regarding whether Mr. Thurlow should participate or recuse himself from this Application since he was not present at last month's meeting (when this public hearing was opened) and he had not fully reviewed the materials (he read the minutes but did not review the recording). Mr. Thurlow decided to participate.

Ann-Marie Aubrey explained that, for this part of the public hearing, Commission Members had been provided with two copies of the proposed distribution center (one version showing editing and one clean copy for clarity). She stated that Staff had verified with Mr. Card to be sure that all his comments had been addressed.

There was discussion regarding the following:

- 2.d – Conditions, development standards.  
It was decided to change "development standards to Zoning Regulations."
- 2.i – Which was eliminated because there are no existing distribution centers in the General Commercial Zone as they are, currently, not allowed in the Zone.
- 2.f – Adequate landscaping regarding truck loading docks.  
After discussion with the Town Attorney, it was decided not to change this item because special permit allows discretion.

There were no further comments from Commission Members.

Nicholas Durgarian, Douglas Construction Company, explained that he was satisfied with the progress and thanked the Commission.

Jon Blake referred to and read from Definitions under Section 300 regarding planted screenings. Screenings are mentioned under 2.f.

Motion was made by Virge Lorents to close the 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. Second by Matthew Wendorf. No discussion.

Roll Call Vote: Brian Card – yes; Virge Lorents – yes; Matthew Wendorf – yes; John Sarantopoulos – yes; Keith Thurlow – yes. Motion carried unanimously (5-0-0).

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.

Norm Thibeault, Killingly Engineering Associates, represented the Applicant and gave a brief history of the facility which has been operating in some form since 1917, when the Applicant's great grandfather started it as a mink farm. In the 1970's, it was converted to a game preserve, and it is currently known as the Markover Game Farm where they have seasonal pheasant hunts. Mr. Thibeault displayed plans as he gave an overview of the proposal:

- Construct a 20-bay kennel for boarding, training, and grooming dogs to be located approximately in the middle of the site.
- Closest residence 451 feet away. Closest property line 266 feet away.
- There are currently two separate parcels (Lot #38-1 and Lot #40) which need to be combined to meet setback requirements as indicated in Note #2 on the plans. Mr. Thibeault stated that this would need to be done before construction of the kennel.
- The kennel to be a rectangular building with an office area in the front with a centrally located hallway and access around the perimeter, ten kennels on each side.
- Fence-in area where the dogs would be able to get exercise outdoors (not during the evening).
- Dogs to be indoors most of the time. Training of hunting dogs outside.
- Existing driveway to be widened to provide two-way traffic to and from the proposed facility.
- Six gravel parking spaces along the main driveway.
- Pull-in area.
- Screened-in dumpster pad.
- Proposed well.
- The site is relatively flat and won't require a lot of earthwork. Slab on grade, a little bit of cutting on the southeastern side, a little bit of fill on the northwest side. The site will balance very nicely.
- No animals will be permanently housed in outside runs or pens.
- Mr. Thibeault explained that when operating a kennel of more than six dogs, it must be licensed with the State of Connecticut. Mr. Thibeault explained that there is quite a list of rules and regulations that the State will require them to adhere to, including climate control, sufficient air exchange, sufficient area for exercise, waste disposal, etc.
- Regarding nuisance of noise, odor or other objectionable effect, Mr. Thibeault noted that they have 160 acres, and it is used as a hunting preserve, the dogs are an integral part of it and have been used throughout the years to hunt on the property. The only change is that some dogs may now be housed on the property as opposed to being brought to the site for the hunting activities.
- Mr. Thibeault said that it will be well screened from any adjacent properties and will not result in any objectionable odors due to the requirements of the State. The facility would be inspected on an annual basis by the State and if they are not adhering to the State's standards, they could be fined or shut down.

**QUESTIONS/COMMENTS FROM THE COMMISSION AND STAFF:**

**Keith Thurlow:**

- Distance to wetlands.  
Mr. Thibeault referred to Sheet 2 of the Plans and indicated that the corner of the building is approximately 200 feet from the regulated area.
- Health Department requirements.  
Mr. Thibeault explained that they will have a bathroom and that they will be required to have a septic system on the site. He explained that they must allow for 25 gallons per day, per kennel (size of leeching area). He said that it will all go into the same septic system, and it is not treated differently from any other septic system.
- Automatic water inside.  
Justin Olsen, Markover Kennels, explained that there would be staff on-site throughout the process making sure that the dogs are taken care of. Staff hours 7 am to 5 pm and people will also check in at night when the building is closed.
- Is the gravel parking lot on the west side existing?  
Mr. Thibeault stated that nothing there is existing and that everything shown is proposed.

**John Sarantopoulos:**

- What is the difference between a Class D plan and an A-2 survey?  
Mr. Thibeault explained the difference and he stated that they did an A-2 Survey in the vicinity of where the kennel is proposed to make sure that they meet the setbacks required by the Regulations. He said that the property has never been surveyed in its entirety. He said that they verified setbacks to the property lines.

**Virge Lorents:**

- Asked about whether birds are set loose to be hunted.  
Mr. Thibeault stated that they are.

- Asked if the dogs are owned by the facility or if dogs are left there to be trained for hunting.  
Mr. Thibeault explained that the owners will have dogs there and that they would have the ability to house dogs for hunting parties, and they would also have the ability to board dogs (e.g., while their owners are on vacation).
- Will the degree/amount of barking change from what it is already existing.  
Mr. Thibeault explained that he does not suspect that will be the case. He said that these dogs are Pointers and are very well trained. He explained that the day-care dogs will be exercised and that the dogs will be inside at night.

**Jonathan Blake:**

- The proposed septic system is not shown on the plans. Will it also be outside the 200 feet?  
Mr. Thibeault stated that it would, and he indicated the location on the plan.

**Ann-Marie Aubrey:**

- Stated that an as built should be required as a condition to verify that everything is being followed.
- Septic system will need to be shown on the mylars.
- Runs need to be shown on the mylar before it is recorded.
- Verify the distances between the wetlands.
- Any approvals from the State (waste disposal, etc.) provide copies to the Planning and Development Office.

**Brian Card:**

- Asked about vegetation in the area to the east (between the resident and the structure).  
Mr. Thibeault indicated on the Plan and stated that anything east of the trail is vegetated/wooded.
- Lights on the kennel runs  
There will be runs on both sides, but there will be no lights on the kennel runs as there will be no need for them at night.
- Customer access.  
Mr. Thibeault explained that it would be by appointment only and that they need the parking spaces for when they have an event/hunting party.
- No other exterior lighting other than the three wall packs?  
Mr. Thibeault explained that they are to be dark-sky compliant, full cut-off wall packs.

Motion was made by Virge Lorents to close the public hearing for **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.

Second by John Sarantopoulos. No discussion.

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

Motion carried unanimously (5-0-0).

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

1) **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. – **CONT FROM JUNE 21. 2021**

Motion was made by Brian Card to approve **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, with the following modification:

- Item 2.d – Change “development standards” to “Zoning Regulations.”

Effective date August 16, 2021, at 12:01 a.m.

Second by Virge Lorents. No discussion.

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

Motion carried unanimously (5-0-0).

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.

Motion was made by Matthew Wendorf to approve **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, with the following conditions:

- As-builts be submitted to Staff upon completion of work.
- Septic system and dog runs to be identified on the plans.

Second by Virge Lorents.

Motion was made by Brian Card to amend Matthew Wendorf's motion to approve **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, to also include the following additional conditions:

- Lots 38-1 and 40 shall be combined and filed prior to construction activities.
- State of Connecticut Licensing shall be provided to the Town.

Second by Virge Lorents. No discussion.

Roll Call Vote on the Amendment to the Motion: John Sarantopoulos – yes; Brian Card – yes; Virge Lorents – yes; Matthew Wendorf – yes; Keith Thurlow – yes.

Amendment carried unanimously (5-0-0).

Roll Call Vote on the Main Motion as Amended: Brian Card – yes; Virge Lorents – yes; Matthew Wendorf – yes; John Sarantopoulos – yes; Keith Thurlow – yes.

Main Motion, as Amended, carried unanimously (5-0-0).

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

1) **Re-subdivision Application #21-1269**; Raymond and Diane Sorel; 1645 North Road; GIS MAP 21; LOT 20; ~50 acres; re-subdivide into two lots; Lot 20 to be 5.58 acres; and Lot 20-3 to be 44.49 acres; Rural Development Zone. **Receive, and if complete, schedule for a public hearing on Monday, August 16, 2021.**

Ann-Marie Aubrey stated that it has been received in-house and that it appears to be complete.

Motion was made by Virge Lorents to schedule a public hearing for **Re-subdivision Application #21-1269**; Raymond and Diane Sorel; 1645 North Road; GIS MAP 21; LOT 20; ~50 acres; re-subdivide into two lots; Lot 20 to be 5.58 acres; and Lot 20-3 to be 44.49 acres; Rural Development Zone for the next regularly scheduled meeting of the Planning and Zoning Commission on Monday, August 16, 2021, Town Meeting Room, 2<sup>nd</sup> Floor, 172 Main Street, at 7:00 p.m.

Second by John Sarantopoulos. No discussion.

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

Motion carried unanimously (5-0-0).

2) **Zone Text Change - #21-1270**; Town of Killingly; Proposed Amendment to Article VI {Administration and Enforcement}, (add) Section 640; Temporary and Limited Moratorium on Cannabis Establishments. **Receive, and schedule for hearing on Monday, August 16, 2021, or Monday, September 20, 2021. (Per recommendation of Legal Counsel)**

Town Attorney, Ken Slater explained that they are recommending putting a Moratorium in place because the Legislature did not put a date in it to give the towns an opportunity to decide whether to prohibit or regulate. Discussion ensued. Ms. Aubrey will advertise for it to be added to both Town of Killingly Zoning Regulations and Borough of Danielson Zoning Regulations. Attorney Slater stated that if it is clear in the notice, both Town and Borough Regulations could be done at the same public hearing.

Motion was made by Brian Card to receive and schedule a public hearing for **Zone Text Change - #21-1270**; Town of Killingly; Proposed Amendment to Article VI {Administration and Enforcement}, (add) Section 640; Temporary and Limited Moratorium on Cannabis Establishments for the next regularly scheduled meeting of the Planning and Zoning Commission on Monday, August 16, 2021, Town Meeting Room, 2<sup>nd</sup> Floor, 172 Main Street, at 7:00 p.m.

Second by Matthew Wendorf. No discussion.

Roll Call Vote: Matthew Wendorf – yes; John Sarantopoulos – yes; Brian Card – yes; Virge Lorents – yes; Keith Thurlow – yes.  
Motion carried unanimously (5-0-0).

At 7:56 p.m., Mr. Thurlow called a brief recess to speak with Attorney Slater outside of the meeting. They both returned at 7:56 p.m.

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

**1) Regular Meeting Minutes – June 21, 2021**

Motion was made by Virge Lorents to approve the Minutes of Regular Meeting of June 21, 2021.

Second by John Sarantopoulos. No discussion.

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

Motion carried unanimously (5-0-0).

**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.**

Ann-Marie Aubrey explained that the Commission Members were provided with a draft copy (dated July 19, 2021) showing the changes/deletions and they were also provided a clean copy (dated July 19, 202) on which she noted that the following was added under #3 Prohibited Uses, Item b. Kenneling, storage, "or sale," of animals or pets. This language is also in Distribution Centers.

There was discussion with Town Attorney, Ken Slater regarding the following:

- 2.e. – Attorney Slater suggested removing this item as the Commission's discretion is very broad under special permit review.
- 2.g. – Change "development standards" to "Zoning Regulations."
- 2.i. - Attorney Slater suggested leaving this language as is because a bathroom may be needed for staff or users.

There were no further changes suggested. Ms. Aubrey will incorporate the changes discussed and provide a new clean copy for review by the Commission at the next meeting, at which, a public hearing may be scheduled.

**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?**

Town Attorney, Ken Slater, who explained that there is no such thing as an accessory use without a principal use. So, if there is a particular kind of accessory building or use that the Commission would like to be able to authorize, it would have to be made either a permitted use in the zone or a specially permitted use in the zone. Discussion ensued. Mr. Thurlow expressed that he would like to move forward with special permit. Ms. Lorents voiced agreement.

**COMMENTS FROM THE PUBLIC:**

**Mike Cristina**, Dayville, asked if he owned the lot across the street from his house, could he put a garage on that lot. Mr. Thurlow explained that he would not unless the Regulations are changed.

There was a consensus for Staff to draft language for review by the Commission. To start with: special permit; recreational use. Other items suggested for future discussion: definition; what zone(s) to allow it in; acreage requirement; must be associated with the individual owner; maintenance of the property itself; future construction of a residential property/tied to a future use; accommodate the layout for a house.

**3) WORKSHOP – Discussion – Five Mile River Overlay District**

Town Attorney, Ken Slater stated that Staff had some ideas regarding a need for a Natural Diversity Database and Flood Plain Elevations.

Attorney Slater discussed his concerns:

- Definition of appurtenance. He explained that the proposed language for the overlay only allows for the cutting of trees as minimally necessary to allow for an appurtenance. The Commission has, in the past, approved things like a lawn in association with a single-family home and other kinds of clearings that are reasonably associated with a use. That is the way Staff has been interpreting that Section and he said that it becomes problematic if you don't interpret it that way. Is the intent to limit the ability to build a house and a lawn within that zone?
- The blending and crossing over of the role of Wetlands Regulation and Zoning Regulation. When dealing with something several hundred feet from the river (beyond the regulated area from the IWWC), is the purpose of the Overlay to protect the river or does it have broader purposes?

Ms. Aubrey explained that Staff had considered the following: it is an overlay district, not a zone; there is a 200-foot upland review area; there is the flood plain; there could be areas of concern from the State regarding special species; they looked at Google Earth aerial photos along the river (there is a house right on the river with a dock – the only one with a dock). The current Staff was not here when the Overlay District was put in place, and they feel that it looks very arbitrary (e.g., it doesn't go the whole length of the Five Mile River and it is oddly shaped). Ms. Aubrey spoke of a subdivision that went in after the year 2000 (River Road) for which the whole area was pretty much cleared except for a few trees. Ms. Aubrey explained that snob zoning cannot be allowed, and she said that they follow the guidance of the DEEP. She suggested that they could look at the Five Mile River and determine what should be done based upon the scientific: 200-foot upland review area, the flood plain, areas of special species. They are willing to map these things out and overlay them and determine where the areas of concern are.

#### **COMMENTS FROM THE PUBLIC:**

**Mike and Bev Cristina**, Dayville, explained what they remembered about the beginnings of the Overlay District and why they decided to get involved at this time. Does it need to be tightened up, corrected, how to enforce? Mr. Cristina stated that regarding the boundaries, Terry Chambers (as a citizen) had followed the roads and presented it to Staff. They provided photos of relatively new homes along Stone Road which have cleared for lawns and have out buildings, but they stated that only a couple (recently) have cleared down to the river.

Discussion ensued. Mr. Card noted that there is a problem that needs to be addressed and there was discussion regarding appurtenances which, Attorney Slater noted, are not always structures. Attorney Slater does not think that the intent was to outlaw single-family homes and subdivisions. He said it is a good time for the Commission to evaluate what they think should be permitted, or not, in that area and why. He said that when he reviewed the various criteria, it all seemed to tie into the environmental protection component of it. Regarding existing fields, Attorney Slater asked if it is the intent to prohibit agriculture that is not there already.

**Bev Cristina** stated that the original intent of the entire Overlay was simply to protect the river. She said that there are endangered species which are shown on a map that they had provided. Mr. Card stated that they need to better define the area with a scientific definition of what encompasses the Overlay District. Mr. Cristina stated that the regulations exist, and they should be enforced. Mr. Card stated that they are enforced to the extent that they can be.

There was discussion regarding Chase Road (Mr. Cristina provided a photo). Mr. Cristina stated that unless people know that they aren't supposed to do something, they just do it. Discussion continued.

Matthew Wendorf voiced agreement with Brian Card's earlier statement and moving forward with re-evaluating. Virge Lorents voiced concern for protecting all of Killingly's water bodies. Brian Card stated that it needs to be addressed and that they can't atone for sins of the past and feels that the Commission should start fresh and rewrite it. John Sarantopoulos agrees with looking at it and re-writing if needed and he voiced concern regarding enforcement. There was discussion about whether IWWC had approved this and there was discussion regarding whether forestry work is exempt, and Attorney Slater confirmed that some forestry activities (which fall under agricultural) are exempt (automatically permitted activity) from IWWC approval.

There was a consensus to move forward with a workshop on reviewing the regulation, in its entirety, and then decide what to do. Staff will put on the agenda and update the Commission monthly.



**XI. CORRESPONDENCE**

1) **Received June 21, 2021- Letter from Centerline Communications;** re: 1375 North Road, Dayville, CT 06241; Notice of Exempt Modifications to an AT&T site; swapping six (6) antennas, adding nine (9) remote radio units, removing three (3) remote radio units, removing two (2) tower mounted amplifiers; and appropriate cables and mount modifications as required. Full / Complete correspondence in Planning & Development Department for review.

No discussion.

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

**A. Zoning Enforcement Officer's & Zoning Board of Appeal's Report(s) – No report.**

**B. Inland Wetlands and Watercourses Agent's Report – No report.**

**C. Building Office Report – No report.**

**XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT**

Jill St. Clair reported:

- Discussions took place on June 22<sup>nd</sup> regarding Industrial Park infrastructure, brownfield funding, workforce initiatives and workforce housing needs.
- KBA hosted the first of three food truck events on July 10<sup>th</sup> which was a huge success with over 2,000 attendees. Next events to be held on August 14<sup>th</sup> and September 11<sup>th</sup>.
- Town of Killingly to be featured in the September/October issue of *Business View* Magazine.
- On July 22<sup>nd</sup>, we will be hosting a workshop to show businesses how to procure federal, state, and local contracts.

**XIV. TOWN COUNCIL LIAISON REPORT – No representation.**

**XV. ADJOURNMENT**

Motion was made by Virge Lorents to adjourn at 9:07 p.m. Second by John Sarantopoulos. No discussion.  
Motion carried unanimously by voice vote (5-0-0).

Respectfully submitted,

J.S. Perreault  
Recording Clerk

**Proposed Special Permit Use**

**Add Section 420.2.2 General Commercial Zone (Special Permit Use)**

**Self-Service Storage Facilities:**

**1. Definitions (NOTE: Definitions will also be added to Section 310 of the Regulations)**

a. **Self-Service Storage Facility:** A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers and other residential uses. Leased to individuals, organizations, or businesses; surrounded by security fencing with controlled access to both the area and individual units.

b. **Recreational Vehicles:** For the purposes of this regulation only; a vehicle used primarily for recreational pleasure and all vehicles must have current registrations. Examples motor homes, travel trailers, camping trailers, truck trailers, boats, snow mobiles, motorcycles. Recreational Vehicle does not include manufactured homes.

**2. Conditions:**

- a. The facility itself must have security fencing and controlled access.
- b. A logbook of all renters shall be kept onsite and available for inspection.
- c. Outdoor storage of motorized and recreational vehicles may be provided; however, that area must be surrounded by its own security fence, have controlled access, and must be screened from abutting uses. Vehicles must be in good condition and free of leaking fluids.
- d. The facility owner or operator may conduct periodic auctions or sales to dispose of any unclaimed storage unit(s) contents, not to exceed six (6) times per year.
- e. A copy of all State of Connecticut Licensing must be submitted to Planning & Development Office. All originals of said licensing must be displayed in the office at the location of the facility.
- f. Accessory uses such as the rental office or the rental of trucks, trailers or moving equipment (hand trucks, jacks, and lifts, etc.), the installation of trailer hitches, or the sale of boxes or packing materials are permitted only if they are otherwise permitted in the zone in which the facility is located and meet all use and zoning regulations of the zone.
- g. Electrical service to storage units shall be for lighting and climate control only
- h. No plumbing facilities or floor drains shall be allowed inside the storage units.
- i. All goods and property stored in the self-storage facility shall be contained within the building interior except recreational vehicles, as defined above, may be parked in designated outdoor storage areas which are screened from view from adjacent streets and property by walls, fences, or landscaping. Outdoor storage areas shall not exceed fifteen percent (15%) of the total enclosed site area, shall be located to the rear or side of the buildings and shall not count toward meeting parking requirements. No outdoor storage of storage pods or shipping containers is permitted.

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- j. Truck loading docks shall not be located on the street facing side of the building or be located on the building side that abuts residential property without adequate buffer and screening.
- k. All parts of the perimeter which are adjacent to a residential zone shall be screened by a fence or wall and with a landscaped buffer area at least twenty-five (25) feet wide. Additional setback and the reorientation of the buildings may be required to ensure compatibility with surrounding properties.
- l. All outdoor lighting shall be dark sky compliant.

**3. Prohibited Uses (Individual Storage Units):**

- a. Any use that is noxious or offensive because of odors, dust, noise, chemicals, gas, fumes, or vibrations.
- b. Kenneling, storage, or sale, of animals or pets.
- c. Individual storage units shall not be used for: residential, office, retail, workshops, studios, rehearsal areas, manufacturing, fabrication, industrial or the processing of goods or services, or the repair of vehicles, engines, appliances, sales or auctions by private parties or any other similar activities.

**Proposed Special Permit Use**

**Add Section 420.2.2 General Commercial Zone (Special Permit Use)**

**Self-Service Storage Facilities:**

**1. Definitions (NOTE: Definitions will also be added to Section 310 of the Regulations)**

a. **Self-Service Storage Facility:** A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers and other residential uses. Leased to individuals, organizations, or businesses; surrounded by security fencing with controlled access to both the area and individual units.

b. **Recreational Vehicles:** For the purposes of this regulation only; a vehicle used primarily for recreational pleasure and all vehicles must have current registrations. Examples motor homes, travel trailers, camping trailers, truck trailers, boats, snow mobiles, motorcycles. Recreational Vehicle does not include manufactured homes.

**2. Conditions:**

- a. The facility itself must have security fencing and controlled access.
- b. A logbook of all renters shall be kept onsite and available for inspection.
- c. Outdoor storage of motorized and recreational vehicles may be provided; however, that area must be surrounded by its own security fence, have controlled access, and must be screened from abutting uses. Vehicles must be in good condition and free of leaking fluids.
- d. The facility owner or operator may conduct periodic auctions or sales to dispose of any unclaimed storage unit(s) contents, **not to exceed six (6) times per year.**

~~e. The Commission, totally at its own discretion, may require additional conditions of approval.~~

E X A copy of all State of Connecticut Licensing must be submitted to Planning & Development Office. All originals of said licensing must be displayed in the office at the location of the facility.

f X Accessory uses such as the rental office or the rental of trucks, trailers or moving equipment (hand trucks, cars, jacks, and lifts, etc.), the installation of trailer hitches, or the sale of boxes or packing materials are permitted only if they are otherwise permitted in the zone in which the facility is located and meet all use and development standards of the zone. *zoning regulations*

g X Electrical service to storage units shall be for lighting and climate control only. ~~No electrical outlets are permitted inside individual storage units.~~

h. X No plumbing facilities or floor drains shall be allowed inside the storage units.

i. X All goods and property stored in the self-storage facility shall be contained within the building interior except that recreational vehicles (as defined above) may be parked in designated outdoor storage areas which are screened from view from adjacent streets and property by walls, fences, or landscaping. Outdoor storage areas shall not exceed fifteen percent (15%) of the total enclosed site area, shall be

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located to the rear or side of the buildings and shall not count toward meeting parking requirements. No outdoor storage of storage pods or shipping containers is permitted.

~~JX~~ Truck loading docks shall not be located on the street facing side of the building or be located on the building side that abuts residential property without adequate buffer and screening.

~~KX~~ All parts of the perimeter which are adjacent to a residential zone shall be screened by a fence or wall and with a landscaped buffer area at least ~~fifteen~~ twenty five (~~15~~ 25) feet wide. Additional setback and the reorientation of the buildings may be required to ensure compatibility with surrounding properties.

~~m. As an incentive to encourage the more efficient use of land, more commercial activity the Commission may increase the maximum building coverage and building height requirement a maximum of 10% above the underlying zoning requirements for self-storage facilities.~~

~~n. Existing self-service storage facilities may be permitted to expand or construct new buildings on parcels being used for self-storage after the date of adoption of this regulation. The expansion or new construction shall be consistent with and meet all applicable standards of the zoning district in which the facility exists.~~

o. All outdoor lighting shall be dark night sky compliant.

### 3. Prohibited Uses (Individual Storage Units):

~~a. Sales or auctions by private parties.~~

~~b. The operation or use of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, refrigerators, freezers, or other similar equipment or appliances.~~

c. Any use that is noxious or offensive because of odors, dust, noise, chemicals, gas, fumes, or vibrations.

d. Kenneling, **storage** of animals or pets.

e. Individual storage units shall not be used for: residential, office, retail, workshops, studios, rehearsal areas, manufacturing, fabrication, industrial or the processing of goods or services, or the repair of vehicles, engines, appliances, **sales or auctions by private parties** or any other similar activities.

~~f. Storage of any material or thing considered "hazardous" or "extra hazardous" by any governmental agency or responsible insurance company.~~

~~g. Repair or service work on motorized or recreational vehicles.~~

~~h. No outdoor storage of storage pods or shipping containers.~~