



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

MONDAY – AUGUST 20, 2018

Regular Meeting

7:00 PM

Town Meeting Room, Second Floor

**Killingly Town Hall
172 Main St., Killingly**

RECEIVED
TOWN CLERK, KILLINGLY, CT
2018 OCT 16 PM 9:28

Elizabeth M. Wilson

AMENDED MINUTES

RE: Discussion of Tilcon Application

- I. **CALL TO ORDER** – Chair, Keith Thurlow, called the meeting to order at 7:07 pm.

ROLL CALL – Brian Card, Virge Lorents, Sheila Roddy, Milburn Stone, Keith Thurlow. Matthew Wendorf was absent.

Staff Present – Ann-Marie Aubrey, Director of Planning and Development; Elsie Bisset, Economic Development Director; David Capacchione, Town Engineer.
- 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) – None.
- V. **COMMISSION/STAFF RESPONSES TO CITIZENS' COMMENTS** – None.
- VI. **PUBLIC HEARINGS – (review / discussion / action)**
 - A. **Zone Change Applications**
None
 - B. **Special Permits**
None
 - C. **Site Plan Reviews**
None
 - D. **Subdivisions**
None
 - E. **Other/Various**
None
- VII. **UNFINISHED BUSINESS – (review / discussion / action)**
 - A. **Zone Change Applications**
None
 - B. **Special Permits**
None

C. Site Plan Reviews

None

D. Subdivisions

None

E. Other/Various

None

VIII. NEW BUSINESS

A. Zone Change Applications – (review/discussion/action)

None

B. Special Permits – (review/discussion/action)

None

C. Site Plan Reviews – (review/discussion/action)

None

D. Subdivisions – (review/discussion/action)

None

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

1) Special Meeting of Monday, July 16, 2018 @ 6:00 pm – RE: POCD

Motion was made by Sheila Roddy to approve the Minutes of the Special Meeting of Monday, July 16, 2018 @ 6:00 pm – RE: POCD. Second by Virge Lorents. Motion carried unanimously (5-0-0).

2) Regular Meeting of Monday, July 16, 2018 @ 7:00 pm – RE: Regular Meeting

Motion was made by Sheila Roddy to approve the Minutes of the Regular Meeting of Monday, July 16, 2018 @ 7:00 pm. Second by Milburn Stone. Motion carried unanimously (5-0-0).

X. OTHER – (review/discussion/action)

A. CGS 8-24 Referrals

1. CGS 8-24 Application# 18-1199 – Bridge Replacement of Bridge #68-002 Valley Road over Mashentuck Brook; Town of Killingly.
2. CGS 8-24 Application #18-1200 – Bridge Replacement of Bridge #68-003 Valley Road over Whetstone Brook; Town of Killingly.
3. CGS 8-24 Application #18-1201 – Bridge Replacement of Bridge #68-009 Bear Hill Road over Unnamed Brook; Town of Killingly.

David Capacchione, Town Engineer, gave an overview of what is proposed and answered questions from the Commission Members on all three above Applications at once. Plans showing existing conditions of the bridges were included in packets to the Commission Members.

- All are going through the local bridge program and are going through DOT review for final approval.
- They are looking to put them out to bid this winter for construction in the spring.
- The intent is that the two bridges on Valley Road will not be done at the same time. The bridges on Valley Road and Bear Hill Road will probably run consecutively.
- The Mashentuck Bridge should be done quickly (if done during low-water conditions).
- All are box culverts.
- Deficiencies were noted in DOT bridge inspection reports and there is federal funding available to help with the cost. The Town's participation has already been approved.

Motion was made by Brian Card to approve CGS 8-24 Application# 18-1199 – Bridge Replacement of Bridge #68-002 Valley Road over Mashentuck Brook; Town of Killingly. Second by Virge Lorents. Motion carried unanimously (5-0-0).

Motion was made by Brian Card to approve CGS 8-24 Application #18-1200 – Bridge Replacement of Bridge #68-003 Valley Road over Whetstone Brook; Town of Killingly. Second by Virge Lorents. Motion carried unanimously (5-0-0).

Motion was made by Brian Card to approve CGS 8-24 Application #18-1201 – Bridge Replacement of Bridge #68-009 Bear Hill Road over Unnamed Brook; Town of Killingly. Second by Virge Lorents. Motion carried unanimously (5-0-0).

B. Zoning Enforcement Officer's & Zoning Board of Appeal's Report(s)

Enclosed

C. Inland Wetlands and Watercourses Agent's Report

Enclosed

D. Building Office Report

Enclosed

E. Bond Releases / Reductions / Calls

None

F. Extension Requests, ETC. -Project Completion / Subdivision & Site Plan Approvals / Mylar Filings / Site Plan Amendments / Re-Classify Phases

1. Subdivision Application #17-1184 – Jill Marquardt, Trustee; 7 lot residential subdivision & open space; extension of Cardinal Drive; GIS Map 112; Lot 30; ~16.00 acres; Low Density Zone. **THIS IS THE SECOND REQUEST FOR AN ADDITIONAL 90 DAY EXTENSION TO FILE MYLARS – Original Date to File the Mylars was June 11, 2018; the first 90 day extension was granted and the new file due date became Sept. 10, 2018. THIS IS THE LAST AND FINAL REQUEST FOR A 90 DAY EXTENSION – IF GRANTED THE NEW DATE WILL BE BY THE END OF BUSINESS ON MONDAY, DECEMBER 10, 2018.**

Motion was made by Brian Card to approve the second 90-day extension to file mylars for Subdivision Application #17-1184 – Jill Marquardt, Trustee; 7 lot residential subdivision & open space; extension of Cardinal Drive; GIS Map 112; Lot 30; ~16.00 acres; Low Density Zone to Monday, December 10, 2018. Second by Virge Lorents. Motion carried unanimously (5-0-0).

2. Special Permit #09-961 – Tilcon Connecticut, Inc. / Tilcon Inc. – Wauregan Road, Killingly, CT – renewal of permit under the TOK Earth Filling and Excavation Regulations (original permit prior to 2005).

Ann-Marie Aubrey explained that the original permit was done before 2005 and that it has been inactive for six-to-ten years. The Town has inspected and verified that it is inactive. They have agreed, and their Engineer prefers that, prior to any excavation, they must come before the Commission with a full application with a new set of plans. Site conditions have changed since the last plans that were presented to the PZC. Their last renewal was in 2015. Regulations have changed and they want to remain under the old Regulations. Discussion ensued.

Brian Card feels that, per the current Regulations, if the Commission approves this renewal (which is grandfathered under the old Regulations), it would give them the right to dig. He suggested that the Commission could make it a condition of approval, under the old Regulations, that a revised set of detailed plans be submitted and that the Commission be allowed to comment on them. He commented that the current plan that he has to review is not adequate and he can't tell what the site looks like. He questioned whether the Commission has the right to deny it since they have been continually applying for renewals, on time, under the old rules. He does not feel comfortable with approving this renewal and then requiring them to come back for a new permit. Discussion continued.

Mr. Thurlow stated disagreement because he feels that, if they come in with a new set of plans and the old Regulations don't apply, then, they would need to come in with a whole new set of plans and a whole new application like the Town of Killingly did. He said that approval today would only be temporarily approving something and it would allow them to function. He explained that it is a quarry phase, there is no gravel pit. Mr. Thurlow believes that the quarry is on the Plainfield side and that they have a conveyor system that brings the material into Killingly and it is processed in Killingly.

Mr. Thurlow stated that the alternative is that the Applicant should have to come in with a whole new set of plans and apply for a whole new permit under the new Regulations. Ms. Aubrey explained that she was unable to find a permit that stated that they were limited to a certain number of cubic yards as was the case with the recent Town of Killingly gravel operation. She will try to verify whether there was a limit and, if so, if that limit had been reached. Ms. Aubrey suggested that it be tabled and have Tilcon's Engineer come before the Commission next month. Discussion continued.

The Commission will consider adding language to the current Regulations to address this type of situation.

Motion was made by Virge Lorents to table Special Permit #09-961 – Tilcon Connecticut, Inc. / Tilcon Inc. – Wauregan Road, Killingly, CT – renewal of permit under the TOK Earth Filling and Excavation Regulations (original permit prior to 2005) until the September 17, 2018, Regular Meeting of the Planning and Zoning Commission, Town Meeting Room, Second Floor, Killingly Town Hall, 172 Main Street, 7:00 p.m. Second by Brian Card. Motion carried unanimously (5-0-0).

G. Requests to Allow Overhead Utilities / Wireless Telecommunications Facility

None

H. Other/Various – (review/discussion/action)

1. Discussion / Workshop – Possible accessory storage structure without the currently required primary structure on a parcel of land within the Rural Development and/or Low Density Development Zones Only.

Ann-Marie Aubrey read the following language suggested by Keith Thurlow to be added to definitions:

Storage Structure - Structure to be used by the property owner for their personal use only; uses to included personal storage or personal workshop, shall meet all dimensional requirements of the zone in which it exists. Requires a site plan review by Director of Planning and Development and a Zoning Permit. When deemed necessary by the Director of Planning, a site plan review by the Commission may be required. Allowed in Rural Development and Low-Density only.

Ann-Marie Aubrey noted that the above definition was supposed to include that there would be no primary structure on the property. Discussion ensued.

Currently, this would only be allowed if the structure were for some type of agricultural use.

Virge Lorents stated that she is not opposed as long as the property owner understands that there cannot be a nuisance and they need to follow the Regulations. She feels that if someone has a property and they don't want to put a primary structure on it, but they have a use for it, Killingly (which is mostly country/rural) has the space to afford people the opportunity to do that. She feels that having a family living on a property creates more nuisance than a simple structure that is occasionally used.

Sheila Roddy stated that, although there may be many cases where it would be virtually invisible to the neighbors, she is opposed. She is concerned with people who buy a property with the expectation of a residential neighborhood and then a structure gets constructed on a neighboring property without a residence.

Milburn Stone sees no problem with the suggested language. He mentioned a friend of his that has a property where he would like to put a storage facility for vehicles that he uses for his construction business. Discussion ensued regarding commercial vs. non-commercial.

Brian Card feels people should be allowed to put a structure on a property without a residence, but he could see it getting out of hand, so he feels there should be a tremendous amount of brackets so things don't spiral out of control. He suggested that it be investigated more and then the Commission can vote on it.

There was discussion regarding that people have the same rights that everyone else has in the zone that they are in. Mr. Thurlow asked, "What if you owned the property prior to zoning?" Mr. Thurlow feels that this would open up the ability for people to use their land a little more and that every property has the potential for violation. He would hope that a regulation could be written to protect the neighboring residents.

Keith Thurlow asked for a vote for a consensus to move forward with further discussion/evaluation on this matter: Virge Lorents – yes; Sheila Roddy – no; Milburn Stone – yes; Brian Card – yes; Keith Thurlow – yes.

Ann-Marie Aubrey will research and report back in September. Mr. Thurlow asked for a draft. Mr. Card suggested some questions to answer:

- Are there other towns that allow this;
- Allow well/septic system;
- Size of building.

2. Discussion / Action – (Continued from POCD Meeting if needed) – Proposal from Connecticut Economic Resource Center 1) facilitated meeting, and 2) formal written plan.

Copies of flyer in packets to Commission Members. Ann-Marie Aubrey explained The Connecticut Economic Resource Center made an offer for various towns to do an economic workshop. The EDC was not interested. However, Ms. Aubrey and Elsie Bisset asked if they would do lead the charrettes regarding the POCD as someone from the outside (not Staff) should do that. The Connecticut Economic Resource Center made a proposal, but geared more toward the Economic Development part of the POCD. Ms. Aubrey suggested asking CERC if they would not only limit it to the Economic Development portion.

Ms. Aubrey asked that the Commission Members review CERC's proposal.

3. Discussion / Action – (Continued from POCD Meeting if needed) – Orton Family Foundation "Heart and Soul" program.

Ms. Aubrey explained that the "Heart and Soul" program had been used for the Borderland Project. She has a guidebook if it is decided to use this program. She explained that, although it had been done previously (and she does have that information), it was in done the past and people may now have new ideas. The POCD is looking forward. Discussion continued. Ms. Aubrey will call to see what the Orton Family Foundation would charge for a charrette.

1. Upcoming P&Z Commission Meetings

1. Next Regular Meeting – **Monday, September 17, 2018**
2. Next Special Meeting – To be determined.
2. Next Special POCD Meeting – **Monday, September 17, 2018**
Scrivener's error – Should be #3.

XI. CORRESPONDENCE – (review/discussion/action)

None

XII. WORKSHOP SESSIONS – (review/discussion/action)

None

XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT

Elsie Bisset reported:

- Twenty buildings on Main Street will be having some façade work done on them. Zaino Associates from North Stonington have been awarded the bid for construction. They will be renting the former Up Top Screen Printing building as their office. They may store some equipment at Bousquet's. Work is expected to be completed in the spring.
- Miyoshi America purchased the 37 acres adjacent to their property (at the rear of C&M) in the Industrial Park for future expansion.
- The Governor has announced that they will assist Walgreen's with the acquisition of the equipment and training for upgrades to the Rite-Aid Distribution Center. By the end of January, Rite-Aid will become Walgreen's Distribution Center. There will be improvements to the roof.
- KBA had their mixer.
- Killingly has advertisements in both the Explore Guide (Last Green Valley) and the Connecticut East Magazine.

XIV. TOWN COUNCIL LIAISON REPORT

Lynn LaBerge reported:

- Two public hearing have been set: 121 square foot portion of Town-owned property at 339 Main Street (KMS) to put a guide wire down for the stop light; Sale of the 1.4 acre portion of Town-owned property at 31 Wauregan Road to Hutchinson Precision.

XV. ADJOURNMENT

Motion was made by Milburn Stone to adjourn at 8:10 p.m. Second by Brian Card. Motion carried unanimously (5-0-0).

Respectfully submitted,

J.S. Perreault
Recording Secretary