

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

2) **Zone MAP Change Ap #21-1276**; Weld, LLC; 543 Wauregan Road; GIS MAP 262, LOT 20, (CGCT Killingly LLC/Landowner) **AND** 19 Lucienne Avenue (Deary Bros II, LLC/Landowner); GIS MAP 262, LOT 22; both General Commercial District; application seeks to change the zone of the subject real estate (properties) from General Commercial Zone to Light Industrial Zone.

APPLICANT(S):	Weld, LLC (Represented by Attorney Timothy Bleasdale)
LANDOWNER(S):	CGCT Killingly, LLC & Deary Bros II, LLC
SUBJECT PROPERTY:	543 Wauregan Road AND 19 Lucienne Avenue
ASSESSOR'S INFO:	GIS MAP 262; LOT 20; and GIS MAP 262; LOT 22
ACREAGE AMOUNT:	~2.0 acres AND ~1.2 acres
ZONING DISTRICT:	General Commercial Zone
REQUEST:	Request to change from General Commercial to Light Industrial
REGULATIONS:	ARTICLE IX – Section 900

Documents Attached

- 1) Application(s) Signed by both owners (paid in full)
 - 2) Letter dated November 9, 2021 – explaining the request and how they meet the requirements
 - 3) Legal Description of 543 Wauregan Road
 - 4) Legal Description of 19 Lucienne Avenue
 - 5) Brief Description of Melting Point Welding & Fabrication, LLC, and photographs
 - 6) List of Neighboring property Owners within 500 Feet of 543 Wauregan Road and 19 Lucienne Avenue
 - 7) Draft Minutes of the October 18, 2021, public hearing – when this was first presented w/out 19 Lucienne Avenue
 - 8) Annotated GIS Maps (6 pages)
 - 9) Improvement Location Survey dated Sept 3, 2004
 - 10) Class A2 Boundary Line Survey dated July 12, 2004
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Legal Notices

- 1) Legal Notice (of the hearing) was posted with Town Clerk on December 2, 2021
 - 2) Legal Notice was posted to the PZC webpage
 - 3) Legal Notice was published in the Norwich Bulletin on Monday, 12/6/202 and Monday, 12/13/2021
 - 4) The Memorandum with maps was posted with the Town Clerk on December 2, 2021
 - 5) Notices were mailed to all abutters on December 8, 2021 (verification received in this office on December 16, 2021, of same in file)
 - 6) Placards were placed on the property by December 10th; and were observed by the Director.
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STAFF COMMENTS AND SUGGESTIONS

- 1) Staff believes the application speaks for itself.
- 2) Staff also reminds the commission that zone map/district changes are not based upon a particular use – but all the allowed and special permitted uses under a particular zoning district.

3) Staff knows that the Applicant tried to approach the owners of 4 Lucienne Avenue; but got no feedback from the owners – staff also agrees with applicant that the Commission could submit their own application to change the zone for that individual parcel.

4) Staff also agrees that this site has indeed been vacant for a long some time, and this would bring a viable business into the community in an area that is suitable for such activity.

(*) IF APPROVED SUGGESTED EFFECTIVE DATE – Tuesday, January 18, 2022, am.

Application # 21-1276
Date Submitted _____
Received By _____
Fee _____

Application Form Page 1 of 2

CHANGE OF ZONE APPLICATION

Procedures and requirements are outlined in Section 900 of the Zoning Regulations. Please review the section carefully.

ALL APPLICANTS FILL OUT THIS SECTION -- PLEASE PRINT

Applicant's Name Weld LLC Phone 860-564-3766
Address 594 Norwich Rd., Plainfield, CT 06374

Owner of Land CGCT Killingly LLC Phone 401-946-3030 (Attorney)
Address 1414 Atwood Ave., Johnson, RI 02919

Location of Property
Street 543 Wauregan Road, Killingly, CT

Tax Map Number 4088 Block 262 Lot 20

Exist. Zoning Dist. General Commercial Prop. Zoning Dist. Light Industrial

Purpose of Change _____
See attached letter and supporting materials

Crown Burgess _____ 9/10/2021
Signature of Applicant Date
Kelly M. Coates _____ 9/9/2021
Signature of Owner (if different from Applicant) * Date

* CGCT Killingly LLC By: Crown Holdings II LLC, Sole Member By: 1992 Alfred Carpiolato Trust Agreement-CA, Sole Member By: Kelly M. Coates, Authorized Trustee

Application # _____
Date Submitted _____
Received By _____
Fee _____

Application Form Page 2 of 2

CHANGE OF ZONE APPLICATION

Procedures and requirements are outlined in Section 900 of the Zoning Regulations. Please review the section carefully.

ALL APPLICANTS FILL OUT THIS SECTION -- PLEASE PRINT

Applicant's Name Weld, LLC Phone 860-564-3766

Address 594 Norwich Rd., Plainfield, CT 06374

Owner of Land Deary Bros II LLC Phone 860-208-0560

Address P.O. Box 688, Killingly, CT 06239

Location of Property

Street 19 Lucienne Ave, Killingly, CT

Tax Map Number 9356 Block 262 Lot 22

Exist. Zoning Dist. GC District Prop. Zoning Dist. LI District

Purpose of Change _____

To change zone of 19 Lucienne Ave. to LI District as requested by some members of Zoning Commission during a public hearing on Oct. 18, 2021. Also, please see attached letter and supporting materials.

James Buss
Signature of Applicant _____ Date 11/8/2021

Peter Deary
Signature of Owner (if different from Applicant) _____ Date 11-5-2021



**WALLER
SMITH &
PALMER**^{PC}
Attorneys at Law

EDWARD B. O'CONNELL
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ELLEN C. BROWN
MARK S. ZAMARKA
CATHERINE A. MARRION
TIMOTHY D. BLEASDALE
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November 9, 2021

Planning and Zoning Commission
Killingly Town Hall
172 Main Street
Killingly, CT 06239

OF COUNSEL:
ROBERT W. MARRION
ROBERT P. ANDERSON, JR.
FREDERICK B. GAHAGAN

RE: Zone Change Application of Weld, LLC
Property Location: 543 Wauregan Road & 19 Lucienne Avenue

+ ALSO ADMITTED IN RI
*ALSO ADMITTED IN MA

Dear Commissioners,

This office represents Weld, LLC with respect to the present application to amend the Town's Zoning Map to change the zone of properties located at 543 Wauregan Road and 19 Lucienne Avenue. This application seeks to change the zone of these properties from the General Commercial ("GC") District to the Light Industrial ("LI") District.

The Proposed Change

This application seeks to change the zone of 543 Wauregan Road and 19 Lucienne Avenue from the GC District to the LI District. The LI District here contains portions of two properties located at 17 Lucienne Avenue and 583 Wauregan Road. This change would add approximately 3.2 acres to the LI District. The properties are directly adjacent to the LI District. Approximately 75 feet of 543 Wauregan Road's western boundary is contiguous with the LI District. Likewise, 19 Lucienne Avenue has approximately 303.5 feet of shared border with the LI District. Additionally, 19 Lucienne Avenue is currently undeveloped, except for a driveway exclusively serving a property in the LI District.

Presently, the LI District consists of less than 10 acres. The two properties currently in the LI District (17 Lucienne Avenue & 583 Wauregan Road) collectively contribute approximately 9.37 acres to the district. The acreage cited here is approximate and is calculated using the Killingly GIS maps as follows:

- 17 Lucienne Avenue contributes approximately 3.97 acres to the LI District.
- 583 Wauregan Road is an approximately 9.6 acre property that is split zoned with approximately 5.45 acres lying in the LI District and the remaining 4.23 acres lying in the GC District. The usable portion of this property in the LI

District is further reduced by an approximately 3 acre pond or impoundment of water on the Quandock Brook as shown on the Town's GIS maps.

If granted, this application would increase the total gross area of the LI District to approximately 12.69 acres. Such a change would bring the LI District into compliance with Sec. 902.3 of the Zoning Regulations (the "Regulations"), which sets a policy goal of having total contiguous zones contain at least 10 acres. At present, the LI District does not meet this policy goal.

If granted, this application will reduce the GC District in this area; however, the remaining contiguous GC Zone would be in excess of 35 acres.

This change will also create a small 0.36 acre lot at 4 Lucienne Avenue, which will be zoned GC, but not contiguous with the remainder of the GC Zone. The applicant acknowledges that this is not ideal and that it has previously discussed this issue with the Commission at a public hearing on a different but related application on October 18, 2021. At that hearing, members of the Commission requested that we approach the owners of 19 Lucienne Avenue and 4 Lucienne Avenue to ask them to join our application. We spent the past month attempting to accomplish this and revise the application, all of which occurred at the applicant's expense. Ultimately, we were able to add 19 Lucienne Avenue to this application, but not 4 Lucienne Avenue. Certain legal requirements required us to file a new application to address the Commission's concerns, which is the present application before the Commission.

The reason 4 Lucienne Avenue could not be added to this application is legal and technical. General Statutes § 8-3 requires the Commission to establish the form of applications for zone change, and the Commission's form requires us to obtain the consent from a property owner before filing a zone change application on that property. Without the consent of an owner of 4 Lucienne Avenue, a member of the public could not file an application on that property.

By contrast, the Commission itself does not require the owner's consent to rezone any property in Town. The Commission previously expressed concern that if it wished to address the isolated zone on 4 Lucienne Avenue that it would be required to invest its own staff time and resources to do so. In order to lighten this burden, the applicant has provided materials to the Commission's staff that could be used by the Commission as part of its own application should it choose to do so. Moreover, this approach may more appropriately leave the disposition of 4 Lucienne Avenue in the hands of the Commission as it would become a lot sandwiched between the LI District and the Low Density Development District, but the property would be on the same side of the road as the Low Density Development District. It therefore presents a policy question for the Commission about whether to rezone that property for residential use or add it to the LI District. In either event, the automotive repair shop currently on the property could continue as a nonconformity.

The Properties

1. 543 Wauregan Road

A legal description of the boundaries of 543 Wauregan Road is attached to this letter as Exhibit 1. The property is approximately 2.1 acres and has frontage on both Lucienne Avenue and Wauregan Road. It is presently in the GC District and this application would change the zone to the LI District. The property has approximately 75 feet of its western boundary directly abutting the LI District.

The site is fully developed and contains by an approximately 22,000 square foot building and associated parking lot. The property is the former site of a Benny's store and it is the applicant's understanding that the site has been unoccupied and underutilized since sometime in late 2017. This application presents an opportunity to revitalize this property and return it to productive economic use as described more herein.

At present, 543 Wauregan Road has very little vegetative screening from residential properties located to the east across Wauregan Road and to the north across Lucienne Avenue. If this application is granted, any future application for a new use located at the property would be required to meet the requirements of the LI District. Among other things, Sec. 430.2.5 requires a vegetative buffer of a minimum of 25 feet in width wherever an industrial property abuts a residential or commercial district. This means future industrial use of the property would result in improved screening for neighboring properties.

2. 19 Lucienne Avenue

A legal description of the boundaries of 19 Lucienne Avenue is attached to this letter as Exhibit 2. The property is approximately 1.22 acres and has frontage on Lucienne Avenue. It has approximately 303.5 feet of shared boundary with the LI District. Although the property is currently in the GC District, it is used exclusively as a driveway for 17 Lucienne Avenue, which is in the LI District. This application therefore proposes to change the zone of 19 Lucienne Avenue to a zone that better reflects the actual present use of the property.

Beyond the driveway serving 17 Lucienne Avenue, the remainder of 19 Lucienne Avenue is undeveloped and heavily forested. Any future development on site would be required to comply with the 25-foot buffer requirement of Sec. 430.2.5, which should ensure that a significant portion of the mature trees on the property would be preserved as screening.

The Purpose of this Application

The applicant, Weld, LLC, is currently under contract to purchase 543 Wauregan Road, contingent upon, among other things, the granting of this zone change application. At present, the applicant's intention is to relocate an associated business, Melting Point Welding & Fabrication, LLC, from its present location in Plainfield to this property in Killingly. The zone change is necessary due to the nature of Melting Point's business. It is engaged in the fabrication or manufacturing of welded metal products, such as wrought iron staircases and railings. The Regulations classify such uses as manufacturing, which is a permissible use in the LI District, but not the GC District. This application presents an opportunity for the Commission to revitalize an underutilized property and return it to productive economic use by helping bring a new business to Killingly. See Exhibit 3 to this letter for more information regarding Melting Point Welding & Fabrication, LLC and to see photographs of their work products.

While the applicant wants to be transparent and make its intentions known, the Commission must be mindful that its decision on this application cannot be based on the use contemplated by the applicant and must take into account all permissible uses in the LI District. Allowable uses in the LI District are found in Sec. 430.2.1 of the Regulations, and includes uses such as: storage, manufacturing, wholesaling, general office space, and printing and publishing establishments.

Regulatory Requirements for Zone Change

The Commission's consideration of this application is governed by criteria set forth in Article IX of the Regulations. In particular, Sec. 902 of Article IX sets forth the decision criteria the Commission must consider in deciding whether to grant the application. This section contains three subsections, 902.1, 902.2, and 902.3, each of which will be addressed in turn.

a. Sec. 902.1 Criteria

This section requires the Commission to consider various issues related to the Town's patterns of land use and development, nature of the land at issue, potential impacts on the surrounding area, and whether the proposed change is consistent with the purposes of zoning and the objectives of the Town's Plan of Conservation and Development. This letter will address these considerations, and it is respectfully submitted that the Commission may adopt the analysis contained in this letter as its findings of fact on the application.

The change proposed by this application is consistent with the Town's patterns of land use and development in this area. The immediate area around this property is made up of interwoven pockets of industrial, commercial, residential and rural zones. This proposal would not substantially change this pattern of land use and development

in the area. Moreover, Sec. 403.2 specifically describes the LI District as an industrial district that is designed to be able to be located adjacent to residential districts.

The properties at issue are well-suited to be rezoned from the GC District to the LI District. 543 Wauregan Road is a fully developed property with an approximately 22,000 square foot building and large parking lot that can readily be put to light industrial use. The property is adjacent to existing LI District lands, with approximately 75 feet of its western boundary directly abutting the LI District. The property also abuts Wauregan Road/Route 12, providing it easy access to a main thoroughfare. Additionally, the size of the building on the property – approximately 22,000 square feet – triggers a requirement in Sec. 430.2.2.b that any future use proposal be presented to the Commission as a special permit and site plan application rather than just a site plan. This gives the Commission a greater degree of control and discretion in permitting future use of the property as an LI District property. The property at 19 Lucienne Avenue is similarly well-suited to be in the LI District. It currently serves exclusively as a driveway for another LI District property at 17 Lucienne Avenue and changing the zone to the LI District would be a better reflection of its current use.

This zone change is expected to produce minimal, if any, negative impacts on the surrounding area. The LI District regulations restrict use of land in the LI District to only those uses that are “clean, quiet and free of hazardous or objectionable elements such as noise, odor, dust, smoke, and glare.” See Sec. 430.2. The use this applicant is contemplating for 543 Wauregan Road will be in keeping with these Regulations. The current use of 19 Lucienne Ave. is similarly compliant.

More importantly, this proposal can be expected to have a positive impact on the surrounding area. This zone change will help facilitate the revitalization of this underutilized property at 543 Wauregan Road. It is the applicant’s understanding that the property has been unoccupied for some years now, appearing to passersby to be a large abandoned commercial property. Such properties are sometimes referred to as “greyfields,” due to their negative impact on the surrounding area. Greyfields give an area a somewhat abandoned and outdated feel, and can depress interest in investing in the area. The applicants intend to give new life to the property. This will be good for the Town’s tax rolls and local economy.

Additionally, as noted above, changing the zone of these properties to the LI District will mean that any future use proposal for this site will be required to meet regulations applicable to the LI District. This will also have a positive effect on the surrounding area. As is particularly relevant to the neighboring residential areas, Sec. 430.2.5 requires a vegetative buffer of a minimum of 25 feet in width wherever an industrial property abuts a residential district. This will provide improved screening to the residential properties neighboring 543 Wauregan Road compared to the present screening, which is almost nonexistent. In order to create such a wide buffer, the parking lot adjacent to Lucienne Avenue will likely need to be reduced thereby

decreasing the impervious surfaces on the property. This decrease in impervious surfaces will allow more stormwater to infiltrate into the ground on site and reduce the amount of stormwater flowing off the property into the public roadways or onto neighboring properties.

Regarding 19 Lucienne Avenue, the Section 430.2.5 buffer requirement will help ensure the mature trees on the borders of the property that neighbors currently enjoy should be preserved in any future development of the site.

This zone change is also consistent with the purposes of the Town's Regulations. Sec. 120 of the Regulations describes the goals and purposes of the Regulations to include considerations such as promoting an orderly development in Town, to protect the public health and safety, to minimize conflicts among various land uses, and promote the general welfare of the community. The issues discussed in the preceding paragraphs concerning the Sec. 902.1 criteria demonstrate the consistency of this proposal with these purposes of zoning. The applicant believes this proposal will help further the purposes of the Regulations and will make a positive contribution to the Town of Killingly.

The proposal is also consistent with the objectives of the Town's Plan of Conservation and Development ("POCD"). Killingly's POCD identifies numerous policy goals for the future of the Town. Three areas of focus are particularly relevant to this application: Sec. 3.2 Economics; Section 3.5 Land Use; and, Sec. 3.6 Natural Resources.

First, Sec. 3.2 (economics) sets forth a series of economic goals and policies intended to help Killingly be competitive with other area towns and to increase the quantity, quality, and diversification of employers. One policy identified to achieve this is an action item on page 19 directing the Town to make efforts to attract new businesses to Town. Granting this application will directly contribute to this action item by facilitating the relocation of a business from the neighboring town of Plainfield to Killingly. This will also contribute to improving the quantity, quality, and diversity of employers in Killingly.

Second, Sec. 3.5 (land use) makes clear that Killingly's zoning policies should be moving toward encouraging redevelopment and revitalization of existing economic, industrial, and commercial areas rather than expanding development into less developed rural areas. The POCD describes these goals as implementing Smart Growth Principles to managing the development or redevelopment of the Town in a way that does not destroy the unique character of the Town or reduce the rural areas of Town. Page 35 of the POCD sets two objectives that are relevant here. First, the POCD directs the Town to plan and implement responsible redevelopment. Second, the POCD directs the Town to encourage and promote business development within the existing commercial and industrial areas rather than expanding into residential or rural

areas. This application contributes to both goals by allowing the applicants to revitalize an underutilized existing commercial property in an area of mixed commercial and industrial uses. This application will not fundamentally change the character or nature of the neighborhood, but will promote new business growth and responsible redevelopment.

Finally, Sec. 3.6 (natural resources) sets forth Killingly's goals of protecting and maintaining the undeveloped natural resources it has at present. Page 45 of the POCD directs the Town to do this by encouraging development projects involving revitalization and redevelopment rather than new development on previously untouched lands. This application seeks to do just that – revitalize an existing underutilized property rather than break new ground in undeveloped areas. Page 45 also directs the Town to protect its natural resources by encouraging the reduction of stormwater runoff by reducing the amount of impervious parking areas in the Town. This application will contribute to this goal because, as noted on page 4 of this letter, any future special permit application to use this property will necessarily involve a reduction in impervious surfaces to achieve the required 25 foot wide vegetative buffer in the LI District.

It is respectfully submitted that the Commission can make a finding that this application is consistent with the requirements of Sec. 902.1 of the Regulations.

b. Sec. 902.2 Criteria

Sec. 902.2 requires the Commission to consider the legality of the proposed zone change. State law and the Commission's own Regulations grant the Commission the authority to change zones within the Town. By state law, General Statutes § 8-3, the Commission must hold a public hearing, consider the consistency of the application with the POCD, and make findings on the record regarding the application before voting to grant the application. As discussed above, the Regulations set forth additional considerations. So long as the Commission complies with the requirements of § 8-3 and the Regulations, it has the legal authority to grant this application for a zone change.

Connecticut courts view a Commission's decision to grant a zone change application very deferentially and have determined that such amendment decisions are valid where reasonably supported by the record. The Commission must state for the record the reasons for its decision, tied to the criteria cited above, and if those reasons are supported by the record, then the Commission's decision will withstand scrutiny by the Courts. We respectfully submit that the analysis provided in this letter as well as the attached exhibits and maps provide the Commission with a record that would reasonably support its decision to adopt the proposed zone change.

It is respectfully submitted that the Commission can make a finding that this application is consistent with the requirements of Sec. 902.2 of the Regulations.

c. Sec. 902.3 Criteria

Sec. 902.3 requires the Commission to consider the size of the properties and the size of the total contiguous zone that will result from the granting of this application. It specifically discourages the Commission from granting applications that will result in total contiguous zones of less than 10 acres. This application will not result in a total contiguous zone of less than 10 acres and will bring the existing LI District into effective compliance with this section.

As noted at the outset of this letter, the current LI District in this area consists of less than 10 acres. The two properties currently in the LI District (17 Lucienne Avenue & 583 Wauregan Road) collectively contribute approximately 9.37 acres to the district. The acreage cited here is approximate and is calculated using the Killingly GIS maps as follows:

- 17 Lucienne Avenue contributes approximately 3.97 acres to the LI District.
- 583 Wauregan Road is an approximately 9.6 acre property that is split zoned with approximately 5.45 acres lying in the LI District and the remaining 4.23 acres lying in the GC District. The usable portion of this property in the LI District is further reduced by an approximately 3 acre pond or impoundment of water on the Quandock Brook.

If granted, this application would increase the total gross area of the LI District to approximately 12.69 acres. Such a change would bring the LI District into compliance with Sec. 902.3 of the Regulations. This issue alone should be considered a strong reason to grant the application.

The remaining contiguous GC District in this area will exceed 35 acres.

It is respectfully submitted that the Commission can make a finding that this application is consistent with the requirements of Sec. 902.3. of the Regulations.

Statutory Requirements for Zone Change

State statutes governing zoning regulations and amendments thereto also set forth criteria for the Commission to consider in deciding a zone change application. The state criteria are set forth in General Statutes § 8-3 and requires the Commission to consider whether the application is consistent with the Town's POCD. This requirement duplicates the requirement to consider the POCD contained in Sec. 902.1 of the Regulations. This issue is discussed on pages 6-7 of the letter and it is unnecessary to repeat the analysis here.

Maps and Plans Submitted with this Application

Sec. 900.2 of the Regulations requires the applicant to provide the Commission with certain information regarding the properties and surrounding area in the form of maps or plans. However, the Regulations do not require a site plan application, A2 survey, or the involvement of a civil engineer. This makes sense from a practical stand point as the Commission will receive those things on a site plan and/or special permit application once a zone change has been granted. The applicant consulted with the Killingly Director of Planning and Development, Ann-Marie L. Aubrey, on this point and learned that in the past the Commission has relied upon the Town's GIS maps when acting on its own applications to change zoning districts. In keeping with that practice, the applicant has provided the Commission with 6 maps from the Town's GIS program, which the applicant has annotated to provide the information required by Sec. 900.2.

In addition to the 6 maps from the Town's GIS system, the applicant has also located two maps recorded on the Killingly land records that may be relevant to the Commission's consideration of the application. The first is a site improvement survey for 543 Wauregan Road dated September 3, 2004, that was prepared when a small addition was added to the North side of the building on site and the parking area was reconfigured. This map indicates that the storm drainage was updated at this time as well and indicates the presence of a septic tank and leaching field on the northwestern portion of the property. The second map is dated July 12, 2004, and shows the boundary lines of the property to the level of a Class A2 survey. It is unknown to the applicant whether changes have been made to the Property since the recording of these maps; however, the applicant must note that any future use of the Property will require a site plan and special permit application, which will involve producing detailed surveys and plans showing existing and proposed site improvements. Such proposed site improvements would be required to meet the regulatory requirements of the LI District.

Conclusion

We believe that granting this application would be good for Killingly. It will help revitalize an underutilized property and help facilitate the relocation of a business to Town. These achievements also represent contributions to the economic, land use and natural resource preservation goals and policies identified in the POCD. We respectfully request that the Commission grant this application. Thank you for your consideration of this proposal.

Very truly yours,



Timothy D. Bleasdale, of
Waller, Smith & Palmer, P.C.

List of Exhibits Attached to this Letter

1. Legal description of 543 Wauregan Road
2. Legal description of 19 Lucienne Avenue
3. Brief description of Melting Point Welding & Fabrication, LLC, and photographs showing examples of the types of products produced
4. List of Neighboring Property Owners within 500 Feet of 543 Wauregan Road & 19 Lucienne Avenue as reported by Town's GIS program
5. Draft Minutes of public hearing on October 18, 2021

List of Exhibits Filed Herewith

1. Annotated GIS Maps (6 pages)
2. Improvement Location Survey dated Sept. 3, 2004
3. Class A2 Boundary Line Survey dated July 12, 2004

543 Wauregan Road

A certain parcel of land located on the westerly side of Wauregan Road (Route #12) in the Town of Killingly, County of Windham, State of Connecticut and being shown as Lot #20 on a plan titled "Property Survey Plan Prepared for WAUREGAN REALTY, INC., Wauregan Road (Route #12), Killingly, Connecticut, Scale 1"=30', Date 07/12/2004, KWP Associates Surveying, Engineering and Site Planning", said lot being bounded and described as follows:

Beginning at Connecticut Highway Department monument in the westerly line of Wauregan Road marking a corner of the herein described parcel, said monument being located 15 feet more or less southwesterly of the intersection of Wauregan Road, (Route #12) with Lucienne Avenue; thence N 35°17'37" E 14.84 feet along the westerly line of Wauregan Road (Route #12) to a point; thence N 58°59'34" W 328.29 feet to a point; thence N 63°49'36" W 5.15 feet to an iron pin; thence N 61°10'36" W 69.86 feet to an iron pin; the last three courses following the southerly line of Lucienne Avenue; thence S 28°03'55" W 253.20 feet to an iron pin; thence S 61°56'05" E 75.00 feet to an iron pin, the last two courses being bounded westerly southerly by land now or formerly of Deary Bros. II, I.L.C.; thence S 62°45'02" E 300.03 feet to an iron pin, the last course being bounded southerly by land now or formerly of Ronald Jacobs, Trustee; thence in a northeasterly direction 218.50 feet along a curve to the right having a radius of 1,950.10 feet (the chord of said curve being N 29°47'29" E 218.39 feet) to a point; thence S 56°57'51" E 19.49 feet to a Connecticut Highway Department monument and point of beginning, the last two courses following the westerly line of Wauregan Road (Route #12). The above described parcel contains 2.12 acres (92,395 square feet).

Together with a right of way over the northeasterly corner of land now or formerly of Ronald Jacobs, Trustee as shown on the above referenced plan. See Volume 136, Page 193 and Volume 299, Page 18 of the Town of Killingly Land Records.



19 Lucienne Avenue

FIRST TRACT: A certain tract or parcel of land shown as Lot 1 on a plan entitled, "Revision of Lot 1 Prepared for Ernest July & Sons, Inc., Lucienne Avenue, Killingly, Connecticut, Scale: 1" = 40', Date: June 1931, Normandin & Associates, 154 South Main Street, Danvers, Connecticut", bounded and described as follows: "Commencing at a T-bar in the southerly line of Lucienne Avenue at the northeasterly corner of the herein described tract and the westerly corner of Lot 2; thence southeasterly 10.00 feet along a curve to the left having a radius of 64.98 feet to an iron pipe; thence S 39° 44' 30" E, 109.64 feet along the southerly line of Lucienne Avenue passing through an iron pipe to an iron pipe, the last two courses bounded northerly by Lucienne Avenue; thence S 29° 29' 41" W, 253.20 feet to a point, bounded easterly by land now or formerly of Michael P. Pappas; thence N 40° 30' 19" W, 200.00 feet to a point, bounded southerly by land now or formerly of Peter J. Holmes, Jr. & Linda C. Holmes; thence N 17° 39' 36" W, 103.52 feet to a T-bar, bounded westerly by remaining land of Ernest July & Sons, Inc.; thence N 69° 39' 46" E, 262.01 feet to a T-bar in the southerly line of Lucienne Avenue and the point of beginning, bounded northerly by Lot 2. The above described tract contains 1.22± acres."

Subject to a right of way fifty(50) feet in width in favor of Peter J. Holmes, Jr. and Linda C. Holmes, their heirs and assigns, from the southerly line of Lucienne Avenue, and being more particularly bounded and described in a certain Warranty Deed dated July 11, 1914 and recorded in Vol. 323 at Page 184 of the Killingly Land Records.

SECOND TRACT: A certain tract or parcel of land on the northerly side of a Private Road westerly of Route 12, in the Town of Killingly, County of Windham, State of Connecticut, bounded and described as follows: "Commencing at a T-bar at the southeast corner of land now or formerly of Peter J. Holmes, Jr. and Linda C. Holmes and the southwest corner of land now or formerly of Ronald Jacobs; thence N 64° 09' 03" W, 273.00 feet to a T-bar, bounded northerly by land now or formerly of said Holmes; thence S 19° 06' 31" W, 23.88 feet to a T-bar, bounded westerly by land now or formerly of Ernest July & Sons, Inc.; thence S 71° 45' 03" E, 274.01 feet along the northerly line of a private road to the point of beginning. The above described tract of land contains 3677± square feet, and is triangular in shape."





9-10-2021

Melting Point Welding is a miscellaneous metal fabricator. Miscellaneous metal fabricators are used for a large majority of construction jobs both large or small; the process usually begins by our two project manager Craig Saad and Justin LeBeau to create the necessary designs & measurements for the general contractors. Upon completion of drawings, our shop foreman Carl Smith then begins fabrication with his crew of three fabricators. Once the project is fabricated we transport the materials to the jobsite. Upon delivery to the jobsite, it falls upon our field foreman Mark Cholewa and Jean Lajeunesse and their crews of 2-3 welders to connect the structural aspects of the job to the misc. metal. However, professionals are not the only individuals who utilize misc. metals, if you are a hobbyist that frequently works with metal and need a specific cut for a project, most fabricators will be able to assist in creating exactly what you need.

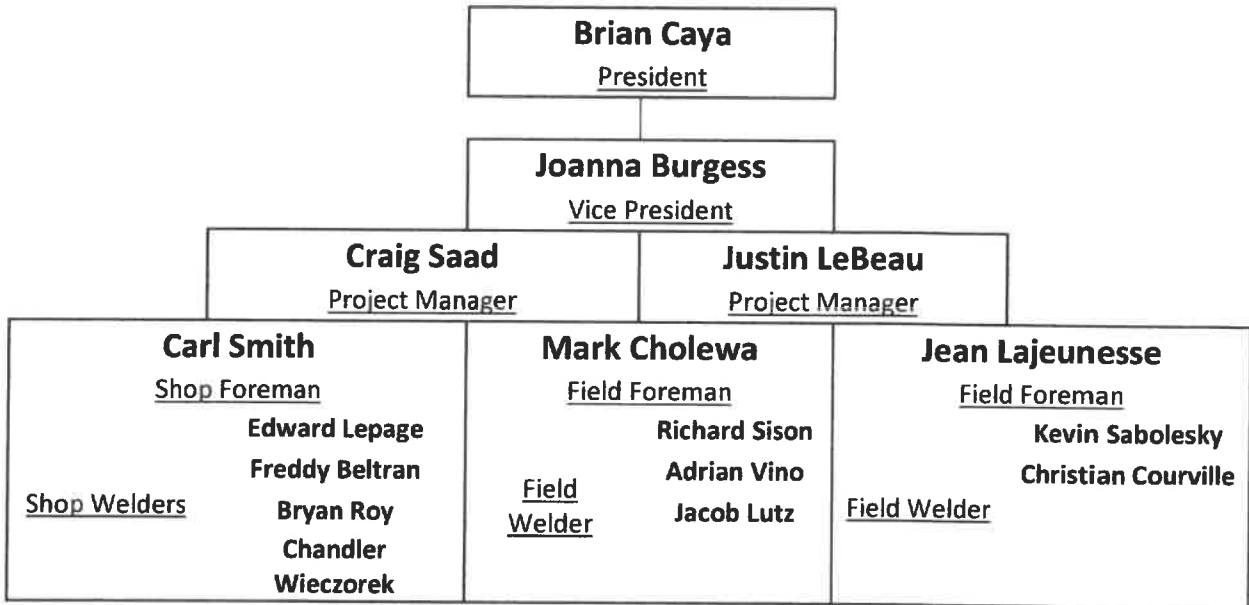
Our office hours are 7:30-5:00

Our shop hours are 6:00-2:30

Our field hours are 7:00-4:30

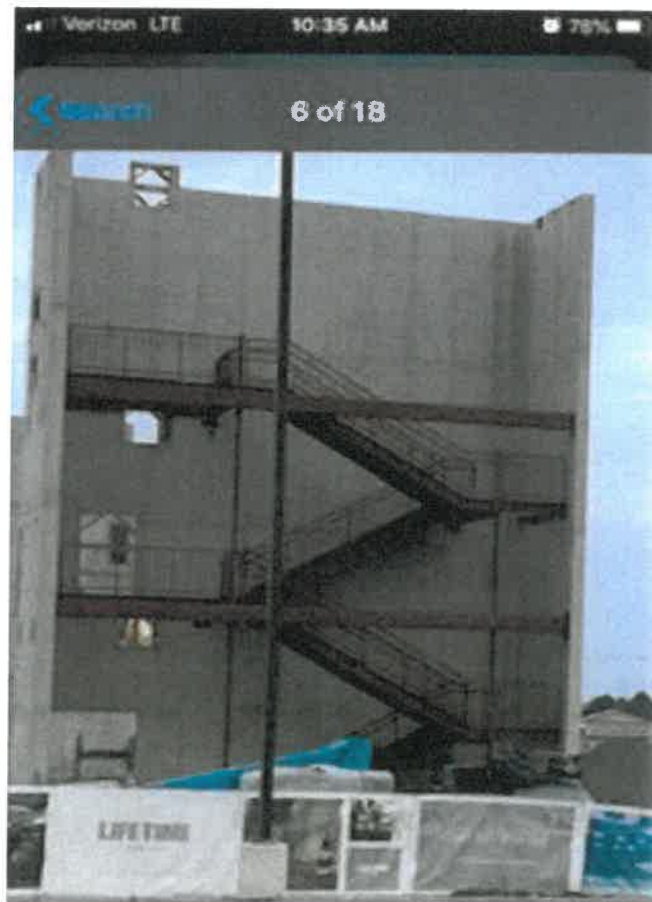
Hours can change due to job schedules.







Rhode Island Public Transit Authority



Lifetime Fitness



Baystate Noble Hospital



Maple Commons



U.S Coast Guard



60 Tupelo RD, Swampscott, MA





500 foot Abutters List Report

Killingly, CT
November 09, 2021

Subject Property:

Parcel Number: 262-020-000
CAMA Number: 262-020-000-000 4088
Property Address: 543 WAUREGAN RD

Mailing Address: CGCT KILLINGLY LLC
1414 ATWOOD AVE
JOHNSTON, RI 02919

Abutters:

Parcel Number: 260-005-000
CAMA Number: 260-005-000-000 100
Property Address: 42 CAROL AV

Mailing Address: LANGEVIN PROPERTIES LLC
3042 BORASSUS DR
NEW SMYRNA, FL 32168

Parcel Number: 260-006-000
CAMA Number: 260-006-000-000 9361
Property Address: 41 CAROL AV

Mailing Address: BELCHER BILLY J
41 CAROL AVE
KILLINGLY, CT 06239

Parcel Number: 260-010-000
CAMA Number: 260-010-000-000 2723
Property Address: 33 CAROL AV

Mailing Address: JOLY ERNEST & SONS INC 2RJS LLC
32 BEATRICE AV
KILLINGLY, CT 062390000

Parcel Number: 262-016-000
CAMA Number: 262-016-000-000 2726
Property Address: 583 WAUREGAN RD

Mailing Address: JOLY ERNEST & SONS INC 2RJS LLC
32 BEATRICE AV
KILLINGLY, CT 062390000

Parcel Number: 262-017-000
CAMA Number: 262-017-000-000 5487
Property Address: 567 WAUREGAN RD

Mailing Address: CUMBERLAND FARMS INC
165 FLANDERS RD
WESTBOROUGH, MA 01581

Parcel Number: 262-018-000
CAMA Number: 262-018-000-000 2651
Property Address: 559 WAUREGAN RD

Mailing Address: DEARY BROS II LLC
PO BOX 688
KILLINGLY, CT 06239

Parcel Number: 262-019-000
CAMA Number: 262-019-000-000 2650
Property Address: 553 WAUREGAN RD

Mailing Address: DEARY BROS II LLC
PO BOX 688
KILLINGLY, CT 06239

Parcel Number: 262-021-000
CAMA Number: 262-021-000-000 2492
Property Address: 17 LUCIENNE AV

Mailing Address: DEARY BROS II LLC
PO BOX 688
KILLINGLY, CT 062390688

Parcel Number: 262-022-000
CAMA Number: 262-022-000-000 9356
Property Address: 19 LUCIENNE AV

Mailing Address: DEARY BROS II LLC
PO BOX 688
KILLINGLY, CT 06239

Parcel Number: 262-023-000
CAMA Number: 262-023-000-000 9357
Property Address: 23 CAROL AV

Mailing Address: SALCE MATTHEW O & GAY L
23 CAROL AV
KILLINGLY, CT 06239

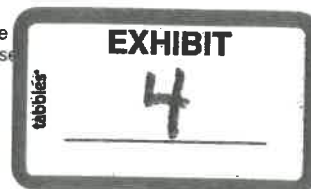


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Abutters List Report - Killingly, CT



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500 foot Abutters List Report

Killingly, CT
November 09, 2021

Parcel Number: 262-024-000
CAMA Number: 262-024-000-000 9358
Property Address: 27 CAROL AV

Mailing Address: PHETTEPLACE ETHAN & SOUZA
AMANDA
27 CAROL AVE
KILLINGLY, CT 06239

Parcel Number: 262-025-000
CAMA Number: 262-025-000-000 9359
Property Address: 31 CAROL AV

Mailing Address: LALIBERTE BARBARA A
31 CAROL AV
KILLINGLY, CT 06239

Parcel Number: 262-026-000
CAMA Number: 262-026-000-000 9360
Property Address: 35 CAROL AV

Mailing Address: HAAPALA LYNNE M & RAYMOND MARK
J
35 CAROL AVE
KILLINGLY, CT 06239

Parcel Number: 262-027-000
CAMA Number: 262-027-000-000 401
Property Address: 32 CAROL AV

Mailing Address: BERNIER BLANCHE M
32 CAROL AVE
KILLINGLY, CT 06239

Parcel Number: 262-028-000
CAMA Number: 262-028-000-000 3591
Property Address: 31 JAMES JR AV

Mailing Address: BROWN PAUL R & LOUISE S
31 JAMES JR AV
KILLINGLY, CT 062390000

Parcel Number: 262-029-000
CAMA Number: 262-029-000-000 97
Property Address: 15 JAMES JR AV

Mailing Address: SCHULER RICHARD E
15 JAMES JUNIOR AVE
KILLINGLY, CT 06239

Parcel Number: 262-030-000
CAMA Number: 262-030-000-000 2035
Property Address: 14 JAMES JR AV

Mailing Address: SURPRENANT RONALD M
14 JAMES JR AV
KILLINGLY, CT 06239

Parcel Number: 262-031-000
CAMA Number: 262-031-000-000 1555
Property Address: 20 JAMES JR AV

Mailing Address: MALONE MICHAEL A & LALUMIERE
CINDY
203 CHURCH ST
BROOKLYN, CT 06234

Parcel Number: 262-032-000
CAMA Number: 262-032-000-000 4634
Property Address: 24 JAMES JR AV

Mailing Address: VARGAS RONALD A & CHERYL L
24 JAMES JR AV
KILLINGLY, CT 062390000

Parcel Number: 262-033-000
CAMA Number: 262-033-000-000 3240
Property Address: 4 LUCIENNE AV

Mailing Address: TETREAU ETHEL ET ALS
16 SAW MILL HILL RD
STERLING, CT 063771409

Parcel Number: 262-034-000
CAMA Number: 262-034-000-000 2941
Property Address: 523 WAUREGAN RD

Mailing Address: BARONE JEFFREY E
523 WAUREGAN RD
KILLINGLY, CT 06239

Parcel Number: 263-007-000
CAMA Number: 263-007-000-000 4206
Property Address: 43 TAOS DR

Mailing Address: HUBER KEVIN N & JEAN A
12961 SW KINGS ROW
LAKE SUZY, FL 342699287



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500 foot Abutters List Report

Killingly, CT
November 09, 2021

Parcel Number: 263-014-000
CAMA Number: 263-014-000-000 824
Property Address: 15 TAOS DR

Mailing Address: RZEPA THERESA
15 TAOS DR
KILLINGLY, CT 06239

Parcel Number: 263-016-000
CAMA Number: 263-016-000-000 677
Property Address: 516 WAUREGAN RD

Mailing Address: FILLMORE JERRE D & DEARY-
FILLMORE ROBIN M
516 WAUREGAN RD
KILLINGLY, CT 06239

Parcel Number: 263-017-000
CAMA Number: 263-017-000-000 3040
Property Address: 520 WAUREGAN RD

Mailing Address: FOOTE ANDREW L & ADAMS JENNIFER
A JOHNSON
520 WAUREGAN RD
KILLINGLY, CT 062390000

Parcel Number: 263-018-000
CAMA Number: 263-018-000-000 4575
Property Address: 530 WAUREGAN RD

Mailing Address: PIMENTEL PAUL J & ROLANDE D
530 WAUREGAN RD
KILLINGLY, CT 06239

Parcel Number: 263-018-001
CAMA Number: 263-018-001-000 9693
Property Address: 532 WAUREGAN RD

Mailing Address: GREENE ALYCE MARIE & JESSE JAMES

532 WAUREGAN RD
KILLINGLY, CT 06239

Parcel Number: 263-019-000
CAMA Number: 263-019-000-000 1792
Property Address: 536 WAUREGAN RD

Mailing Address: PHILLIPS DAVID M & PIGEON AMANDA D

536 WAUREGAN RD
KILLINGLY, CT 06239

Parcel Number: 263-020-000
CAMA Number: 263-020-000-000 4275
Property Address: 542 WAUREGAN RD

Mailing Address: UNG DARA
542 WAUREGAN RD
KILLINGLY, CT 06239

Parcel Number: 263-021-000
CAMA Number: 263-021-000-000 5124
Property Address: 546 WAUREGAN RD

Mailing Address: BUCHBINDER JEFFREY M
546 WAUREGAN RD
KILLINGLY, CT 06239

Parcel Number: 263-022-000
CAMA Number: 263-022-000-000 5224
Property Address: 548 WAUREGAN RD

Mailing Address: TILCON CONNECTICUT INC
PO BOX 311228
NEWINGTON, CT 061313112

Parcel Number: 263-023-000
CAMA Number: 263-023-000-000 20
Property Address: 550 WAUREGAN RD

Mailing Address: PEREIRA NICHOLAS & BARBARA
550 WAUREGAN RD
KILLINGLY, CT 06239

Parcel Number: 263-024-000
CAMA Number: 263-024-000-000 315
Property Address: 560 WAUREGAN RD

Mailing Address: 86 MILL RENTALS LLC
PO BOX 472
PUTNAM, CT 06260

Parcel Number: 263-025-000
CAMA Number: 263-025-000-000 645
Property Address: 515 WAUREGAN RD

Mailing Address: BRIERE DONALD R & JOYCE M
515 WAUREGAN RD
KILLINGLY, CT 062390000



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500 foot Abutters List Report

Killingly, CT
November 09, 2021

Subject Property:

Parcel Number: 262-022-000
CAMA Number: 262-022-000-000 9356
Property Address: 19 LUCIENNE AV

Mailing Address: DEARY BROS II LLC
PO BOX 688
KILLINGLY, CT 06239

Abutters:

Parcel Number: 260-005-000
CAMA Number: 260-005-000-000 100
Property Address: 42 CAROL AV

Mailing Address: LANGEVIN PROPERTIES LLC
3042 BORASSUS DR
NEW SMYRNA, FL 32168

Parcel Number: 260-006-000
CAMA Number: 260-006-000-000 9361
Property Address: 41 CAROL AV

Mailing Address: BELCHER BILLY J
41 CAROL AVE
KILLINGLY, CT 06239

Parcel Number: 260-010-000
CAMA Number: 260-010-000-000 2723
Property Address: 33 CAROL AV

Mailing Address: JOLY ERNEST & SONS INC 2RJS LLC
32 BEATRICE AV
KILLINGLY, CT 062390000

Parcel Number: 262-015-000
CAMA Number: 262-015-000-000 2719
Property Address: 32 BEATRICE AV

Mailing Address: ERNEST JOLY & SONS INC
32 BEATRICE AV
KILLINGLY, CT 06239

Parcel Number: 262-016-000
CAMA Number: 262-016-000-000 2726
Property Address: 583 WAUREGAN RD

Mailing Address: JOLY ERNEST & SONS INC 2RJS LLC
32 BEATRICE AV
KILLINGLY, CT 062390000

Parcel Number: 262-017-000
CAMA Number: 262-017-000-000 5487
Property Address: 567 WAUREGAN RD

Mailing Address: CUMBERLAND FARMS INC
165 FLANDERS RD
WESTBOROUGH, MA 01581

Parcel Number: 262-018-000
CAMA Number: 262-018-000-000 2651
Property Address: 559 WAUREGAN RD

Mailing Address: DEARY BROS II LLC
PO BOX 688
KILLINGLY, CT 06239

Parcel Number: 262-019-000
CAMA Number: 262-019-000-000 2650
Property Address: 553 WAUREGAN RD

Mailing Address: DEARY BROS II LLC
PO BOX 688
KILLINGLY, CT 06239

Parcel Number: 262-020-000
CAMA Number: 262-020-000-000 4088
Property Address: 543 WAUREGAN RD

Mailing Address: CGCT KILLINGLY LLC
1414 ATWOOD AVE
JOHNSTON, RI 02919

Parcel Number: 262-021-000
CAMA Number: 262-021-000-000 2492
Property Address: 17 LUCIENNE AV

Mailing Address: DEARY BROS II LLC
PO BOX 688
KILLINGLY, CT 062390688



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500 foot Abutters List Report

Killingly, CT
November 09, 2021

Parcel Number: 262-023-000 CAMA Number: 262-023-000-000 9357 Property Address: 23 CAROL AV	Mailing Address: SALCE MATTHEW O & GAY L 23 CAROL AV KILLINGLY, CT 06239
Parcel Number: 262-024-000 CAMA Number: 262-024-000-000 9358 Property Address: 27 CAROL AV	Mailing Address: PHETTEPLACE ETHAN & SOUZA AMANDA 27 CAROL AVE KILLINGLY, CT 06239
Parcel Number: 262-025-000 CAMA Number: 262-025-000-000 9359 Property Address: 31 CAROL AV	Mailing Address: LALIBERTE BARBARA A 31 CAROL AV KILLINGLY, CT 06239
Parcel Number: 262-026-000 CAMA Number: 262-026-000-000 9360 Property Address: 35 CAROL AV	Mailing Address: HAAPALA LYNNE M & RAYMOND MARK J 35 CAROL AVE KILLINGLY, CT 06239
Parcel Number: 262-027-000 CAMA Number: 262-027-000-000 401 Property Address: 32 CAROL AV	Mailing Address: BERNIER BLANCHE M 32 CAROL AVE KILLINGLY, CT 06239
Parcel Number: 262-028-000 CAMA Number: 262-028-000-000 3591 Property Address: 31 JAMES JR AV	Mailing Address: BROWN PAUL R & LOUISE S 31 JAMES JR AV KILLINGLY, CT 062390000
Parcel Number: 262-029-000 CAMA Number: 262-029-000-000 97 Property Address: 15 JAMES JR AV	Mailing Address: SCHULER RICHARD E 15 JAMES JUNIOR AVE KILLINGLY, CT 06239
Parcel Number: 262-030-000 CAMA Number: 262-030-000-000 2035 Property Address: 14 JAMES JR AV	Mailing Address: SURPRENANT RONALD M 14 JAMES JR AV KILLINGLY, CT 06239
Parcel Number: 262-031-000 CAMA Number: 262-031-000-000 1555 Property Address: 20 JAMES JR AV	Mailing Address: MALONE MICHAEL A & LALUMIERE CINDY 203 CHURCH ST BROOKLYN, CT 06234
Parcel Number: 262-032-000 CAMA Number: 262-032-000-000 4634 Property Address: 24 JAMES JR AV	Mailing Address: VARGAS RONALD A & CHERYL L 24 JAMES JR AV KILLINGLY, CT 062390000
Parcel Number: 262-033-000 CAMA Number: 262-033-000-000 3240 Property Address: 4 LUCIENNE AV	Mailing Address: TETREAU ETHEL ET ALS 16 SAW MILL HILL RD STERLING, CT 063771409
Parcel Number: 262-034-000 CAMA Number: 262-034-000-000 2941 Property Address: 523 WAUREGAN RD	Mailing Address: BARONE JEFFREY E 523 WAUREGAN RD KILLINGLY, CT 06239



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11/9/2021

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500 foot Abutters List Report

Killingly, CT
November 09, 2021

Parcel Number: 263-018-000
CAMA Number: 263-018-000-000 4575
Property Address: 530 WAUREGAN RD

Mailing Address: PIMENTEL PAUL J & ROLANDE D
530 WAUREGAN RD
KILLINGLY, CT 06239

Parcel Number: 263-020-000
CAMA Number: 263-020-000-000 4275
Property Address: 542 WAUREGAN RD

Mailing Address: UNG DARA
542 WAUREGAN RD
KILLINGLY, CT 06239

Parcel Number: 263-021-000
CAMA Number: 263-021-000-000 5124
Property Address: 546 WAUREGAN RD

Mailing Address: BUCHBINDER JEFFREY M
546 WAUREGAN RD
KILLINGLY, CT 06239

Parcel Number: 263-024-000
CAMA Number: 263-024-000-000 315
Property Address: 560 WAUREGAN RD

Mailing Address: 86 MILL RENTALS LLC
PO BOX 472
PUTNAM, CT 06260



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11/9/2021

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TOWN OF KILLINGLY, CT
PLANNING AND ZONING COMMISSION

2021 OCT 26 AM 9:44
E. Douglas, M. A. Wilson

MONDAY – OCTOBER 18, 2021

Regular Meeting – HYBRID MEETING

7:00 PM

TOWN MEETING ROOM – 2ND FLOOR

Killingly Town Hall

172 Main Street

Killingly, CT

THE PUBLIC IS ALLOWED TO ATTEND THE MEETING IN PERSON

OR

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 p.m.

ROLL CALL – Brian Card, Virge Lorents, John Sarantopoulos and Keith Thurlow (all were present in person).
Matthew Wendorf was absent.

Staff Present – Ann-Marie Aubrey, Director of Planning & Development; Jonathan Blake, Planner I/ZEO; Richard Roberts, Town Attorney (all were present in person).
Jill St. Clair, Director of Economic Development (present via Webex).

Also Present – Nicholas Durgarian, Douglas Construction; Attorney Timothy D. Bleasdale, Waller, Smith & Palmer, P.C.; Brian Caya, President of Melting Point Welding & Fabrication, LLC; Joanna Burgess, Vice President of Melting Point Welding & Fabrication, LLC; Patti Larrow, Town Council Liaison (all were present in person).
J.S. Perreault, Recording Secretary (present via Webex).

Citizens Comments Participants (all were present in person): Bruce Aiken, 785 South Frontage Road; Jason Anderson, 125 Lake Road; Linda Lamoreux, 175 Snake Meadow Road; Randall Simmons, 107 Snake Meadow Road; Steve Sevarino, 84 Snake Meadow Road; Rob Cortoia, 137 Snake Meadow Road, Leo Simmons, Snake Meadow Road; Peter Deary, 17 Lucienne Avenue; Barbara Laliberte, 31 Carol Avenue.

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 as indicated by a majority vote of the Commission)



NOTE: 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 2631-202-8049 when prompted.

There were no comments from the public.

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

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 2631-202-8049 when prompted

Ann-Marie Aubrey stated that no public comments had been received as of 4:15 p.m. today. She read the above call-in information above for those who may wish to participate.

1) **Zone Map Change Ap # 21-1271** – Douglas Const Co (J. Vance/Landowner); 605 Providence Pike & 200 Hubbard Hill Rd; GIS MAP 224, LOT 14; & GIS MAP 245, Lot 001; RD; change zone from RD to General Commercial on both parcels.

Nicholas Durgarian, Douglas Construction, represented the Applicant and summarized their responses, addressing concerns from the Commission and from the public during the previous meeting which are outlined in a letter dated October 14, 2021 (packet information, including the referenced letter and maps, is available on the Killingly PZC website). Maps were displayed as discussed.

At 7:35 p.m., Mr. Thurlow asked to speak privately with Town Attorney Roberts and called a recess. They returned to the table approximately one minute later and the meeting resumed.

QUESTIONS/COMMENTS FROM THE COMMISSION and STAFF:

John Sarantopoulos asked if Staff had inspected this site regarding remediation.

Mr. Thurlow asked for Attorney Roberts' opinion as this subject comes up later on the agenda.

Attorney Roberts explained that it would be more relevant to ask what the conditions of the site is.

Ms. Aubrey explained that the property is still owned by Mr. Vance and that the remediation has to be done no matter who owns it. She doesn't believe one involves the other.

Attorney Roberts explained that the bond stays in place until it is released regardless of how it is zoned and what it is used for or who owns it.

Mr. Durgarian explained about their Purchase and Sale Agreement.

Mr. Sarantopoulos commented that the Applicant has identified that they would continue mining as long as there is material there.

Mr. Durgarian explained the he expects that there would be exported material.

There were no further questions.

PUBLIC COMMENTS:

Bruce Aiken, 785 South Frontage Road, asked about setbacks for the properties to the rear and adjacent to the north. Mr. Durgarian said that it is 404 feet to the nearest structure on Mr. Aiken's property and about 100 feet to the property line.

Mr. Aiken stated that the western side is like a lake after a significant rain. Mr. Durgarian explained how wetlands are classified in Connecticut and he said that setbacks for GC would be followed.

Mr. Thurlow explained that there are standards for buffers within the zones.

Jason Anderson, 125 Lake Road, commented about Mr. Durgarian's statement regarding that commercial properties increase property values of the surrounding properties and that industrial properties decrease the surrounding property values. Mr. Anderson said that NTE had made a statement that industrial properties do not decrease surrounding property values which conflicts with Mr. Durgarian's statement. NTE had put forth a property value guarantee agreement for property owners within 1500 feet of the facility and Mr. Anderson asked if Douglas Construction would offer a property value guarantee to the abutting property owners. Mr. Durgarian explained that he could not comment at this point and he explained his statement regarding property values.

Linda Lamoreux, 175 Snake Meadow Road, expected that specifics would be presented tonight about what they would do with the site. She said that it is being mined now, so it doesn't need a zone change for that. She referred to the POCD: Policy 2; Policy 3; Policy 4; Questions of the Survey; Zoning Map shows South Killingly zoned as Rural with no commercial development planned there. She has concern about a distribution center being in her backyard and referred to Section 420.2.1 of the Regulations.

Mr. Durgarian responded and explained that they cannot specify, at this time, what they plan to put on the property because they do not have a specific plan yet.

Randall Simmons, 107 Snake Meadow Road, commented that the reason they live in South Killingly is because it is a rural area and they want to keep it that way. He voiced concern about traffic safety.

Steve Sevarino, 84 Snake Meadow Road, voiced concern regarding traffic safety and possible truck traffic on Snake Meadow Road which is 18 feet wide in front of this house.

Mr. Durgarian's response was inaudible.

Mr. Thurlow asked Jill St. Clair, Director of Economic Development if the EDC had comments regarding this Application.

Ms. St. Clair stated that, she cannot speak on behalf of the EDC, but she explained that stakeholders are running out of space for places to fill and having diversification in our zoning is always a positive thing. The EDC has not discussed this Application.

QUESTIONS/COMMENTS FROM THE COMMISSION and STAFF:

John Sarantopoulos commented that he agrees with Mr. Anderson's statement regarding NTE's agreement with surrounding property owners. Mr. Sarantopoulos referred to a statement that had been made in the past by former PZC Member, Milburn Stone, regarding that the PZC creates the Zoning Regulations and the POCD and then does the opposite. He said that he looked at both Sections for RD and GC and he referred to the opening statement in Section 590 and stated that a special permit had to have been granted for this property, within this rural area, in the past. He referred to Sections 410 and 420 and said that if you're not on a major highway, you don't have public utilities, and it's in a residential area, you shouldn't stick something like this in the middle of it. He said that Planning & Zoning has tried to limit the size of those areas, allowing them to remain, but not allow them to expand and here we are, looking to put something different in a residential area. Mr. Sarantopoulos suggested that Douglas Construction could continue under the existing zoning to mine the gravel and when they decide what they want to do with the property, they can apply for a special permit. He feels this is fair to the people who property in the area.

Ann-Marie Aubrey stated that Mr. Sarantopoulos was referring to GC Section 420.2. She read, "Commercial establishments which generate large amounts of traffic and/or require large sites and frontage on major highways are not suited in location in residential areas."

PUBLIC COMMENTS:

Rob Cortoia, 137 Snake Meadow Road, voiced concern regarding boundary buffers. He said it is a big "what if" and it is changing people's way of life.

Mr. Sarantopoulos referred to GC and that it states that there is to be a 25-foot buffer zone to the boundary line. He compared that Route 101 and Route 6 are like night and day.
Mr. Durgarian's response was inaudible.

Leo Simmons, Snake Meadow Road, commented about transparency and that there is no signage on Route 6 to make people aware of this Application. He said you have to trespass onto the property to see the sign. He said that nobody is saying that they are definitely not going to use the three accesses on Snake Meadow Road. He said that the people on Snake Meadow Road want to "keep it country."

Patti George, 156 Country Club Road, Town Council, commented that we have zoning for a reason and we have development areas for commercial, but when you start changing zoning to accommodate businesses that you don't even know what business would be coming in, that's not fair. She stated agreement with Mr. Sarantopoulos that they can mine under the current zone and when they have a specific plan, come back before the Commission to apply for a special permit.

There were no further comments.

Motion was made by Virge Lorents to close the public hearing for **Zone Map Change Ap # 21-1271** – Douglas Const Co (J. Vance/Landowner); 605 Providence Pike & 200 Hubbard Hill Rd; GIS MAP 224, LOT 14; & GIS MAP 245, Lot 001; RD; change zone from RD to General Commercial on both parcels.

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).

2) Zone MAP Change Ap#21-1274; Weld, LLC (CGCT Killingly LLC/Landowner); 543 Wauregan Road: GIS MAP 262, LOT 20: General Commercial Zone; application seeks to change the zone of the subject real estate from General Commercial Zone to Light Industrial Zone.

Attorney Timothy Bleasdale, Waller, Smith & Palmer, P.C., represented the Applicant. He stated that Brian Caya (President of Melting Point Welding & Fabrication, LLC) and Joanna Burgess (Vice President of Melting Point Welding & Fabrication, LLC) were present in the audience. Attorney Bleasdale gave an overview following the contents of his letter to the PZC dated September 13, 2021 (maps were displayed as discussed):

- He explained about the acreage (approximately 2.1 acres) proposed to be added to the LI Zone (making a total of approximately 11.47 acres) which would bring the LI Zone into compliance with the goal set in Section 902.3 of the Zoning Regulations.
- He explained that, in that area, there are interwoven pockets of residential, GC and Light Industrial zones.
- The purpose of this Application is to allow a welding and metal fabrication company to relocate to Killingly.
- He spoke of how the site is fully developed.
- He spoke of the grassy strips along Wauregan Road and Lucienne Avenue which don't provide screening and how future industrial use of this property would result in improved screening for neighboring properties due to special permit requirements for vegetative buffering in the Industrial Zone.

Keith Thurlow asked if Lot 22 is part of the same parcel that the former Benny's is on.

Attorney Bleasdale stated that it is not and he referred to the last Map that had been provided to Commission Members which shows the addresses of abutting properties and the names of the property owners. He explained that it is a heavily forested lot and its primary use appears to be a driveway that services the building owned by Deary Bros II, LLC.

Mr. Thurlow asked if there is a reason why it was not being included as Light Industrial as well, so as not to isolate a portion of a GC lot.

Ms. Aubrey explained that the right-of-way was owned by a different party and it was recently purchased by Deary Bros. a few years ago because they did not want to lose the right-of-way.

Brian Card noted that this Application would be creating two isolated GC lots (one to the left and one across the street). He said that while solving one problem, it would be creating two problems inconsistent with the POCD and our plans.

Attorney Bleasdale spoke about the property across the street (a former auto repair shop under tax sale). He said there wasn't time to coordinate the re-zoning and that the Commission would have the discretion to re-zone the two lots in the future. He said that it is beyond the scope of what they are trying to do with this Application.

Mr. Card explained that other applicants have contacted their neighbors to ask if they would like to be part of the re-zoning so that it would be a consistent re-zoning.

Attorney Bleasdale explained that, while they could have taken that approach, they had to move quickly and they feel that they would be helping to improve the LI Zone.

Mr. Card stated that, when working on the POCD, they had tried to minimize light industrial and expand general commercial in that area. This would be opposite of that and he, again, stated that he is concerned about the creating of the isolated lots because they had cleaned up a lot of that.

Ms. Aubrey explained that the Town Attorney is being consulted about that because, on the first map, it looks like the zones go to the middle of the road.

Attorney Roberts stated that usually in the beginning of the Regulations, it talks about whether you treat the zoning as going to the middle of the road or just up to the edge of the right-of-way.

Mr. Thurlow stated that, in his years on the Commission, this will be the first time that he can remember, discussion taking place of one of the zones being delineated by the middle of the road.

Ms. Lorents agreed.

Mr. Card stated that the zone would be contiguous because the road brings it there, but they would no longer be contiguous lots.

Attorney Bleasdale continued with his presentation:

- He spoke about Criteria (Sections 902.1, 902.2 and 902.3):
 - It is in keeping with what is already happening in this area.
 - Well suited for LI use.
 - Fully developed, underutilized site that has been vacant for a while. They are looking to revitalize it and put it back into use.
 - It has a large parking lot.
 - It is adjacent to other Light Industrial.
 - Due to the size of the building, when they come back, it would be for a special permit.
 - They do not feel that there will be any problems with traffic, noise or odors. But, if there were concerns, it could be addressed through the special permit process.
 - They feel that impact to the surround area will be minimal based on the type of they business. Business will be inside, so there will not be a lot of noise. There are protections for neighbors built into the regulations regarding hazardous, objectionable elements such as noise, odor, dust, smoke, etc. He said that they would not be producing those things.
 - They feel that it would have a positive impact on the area as it is a redevelopment opportunity helping to revitalize and bring new life to the area.
 - Currently, the property is highly visible from Lucienne Avenue and Wauregan Road. Special permit under LI would require vegetative buffers which would be a benefit to neighbors.
 - He referred to Map 5 of 8 and stated that he had measured the grassy strip area (about 15 feet on average) and he said that the minimum 25-foot setback requirement would cause a reduction in imperious surface since some of the parking lot would need to be pulled out.
- Attorney Bleasdale summarized five letters of support to be entered into the Record. The letters were included in packets to Commission Members).
- Attorney Bleasdale addressed concerns regarding traffic, noise and odors from two people that Ms. Aubrey informed him that had called in:
 - The property is currently zoned GC, therefore, any big retail would generate far more traffic than the use that they would eventually be proposing.

- This office would not be open to the public.
- Their hours are typically from 6 a.m. to about 2:30 p.m. Monday through Friday.
- They have thirteen employees.
- A salesperson comes in about once per month.
- A steel delivery once per week and other consumables come in on a separate truck also once per week.
- Weekend work is limited to office work and routine maintenance-type activities on the equipment.
- He does not expect that there would be a great deal of noise being generated as activities are indoors. Most of what will be heard would be from a limited number of vehicles and loading and unloading.
- Odors are not a concern since welding does not generate any kind of noxious odors.
- Attorney Bleasdale stated that Section 902.1 which requires that the POCD be addressed. He stated that one way that this proposal furthers the goal of the POCD is that they are not seeking to expand industrial or commercial activity into rural areas. They are taking an abandoned lot and redeveloping/revitalizing it and putting it back into use which benefits the Town in general.
- POCD
 - Section 3.2 Economic Issues – He said that they are trying to increase the quantity, quality and diversity of employers in Town.
 - Section 3.5 Land Use Issues – This Application speaks for itself regarding encouraging redevelopment/revitalization.
 - Section 3.6 Natural Resources – They feel that they are making an important contribution to the goals by redeveloping an abandoned site rather than seeking out a fresh piece of land to build a building on.
- Attorney Bleasdale addressed Criteria Section 902.2 which requires that the Commission consider the legality of the proposed change:
 - This proposal is in line with the Regulations.
- Attorney Bleasdale addressed Criteria Section 902.3 which requires that the Commission consider the size of the property and the resulting whole contiguous zone.
 - By adding 2.1 acres to the Light Industrial Zone, would make the LI Zone conforming to the Regulations as it will consist of just shy of eleven acres.

QUESTIONS/COMMENTS FROM THE COMMISSION and STAFF:

Virge Lorents asked for a brief description of how the welding business would operate (materials used and what would need to be disposed of carefully).

Attorney Bleasdale referred Ms. Lorents to Exhibit 2 attached to his letter dated September 13, 2021.

Brian Card gave a reminder that, as part of this Application for Zone Change, all uses in LI need to be considered, not just this particular use.

Ann-Marie Aubrey brought up the earlier question regarding the Zoning Map (under Section 460.1.1 of the Zoning Regulations) “Boundaries indicated as approximately following lot lines, the center lines of right-of-way, Town limits, shore lines or stream center lines, shall be construed as following such lines or limits.” There was discussion. Mr. Card stated that center line to center line would still be creating two isolated lots because there is residential on both sides of this lot.

Brian Card gave his opinion that they presented a very good case for changing to the LI zone and he feels that this area is applicable for that. He does not feel that the Commission should be creating two isolated lots that they would have to go back and fix later. He suggested that the other property owners be contacted to see if they would be willing to be included in the zone change.

PUBLIC COMMENTS:

Peter Deary, 17 Lucienne Avenue, owner of Deary’s Gymnastics and Deary Bros. II, LLC, has three abutting properties (two GC and one LI) and he is in favor of the zone change. He said that they had applied for the same change and it has helped their business tremendously. He feels that it would improve the area and it would be nice to see that property used. He feels they will be great neighbors. He said that he would not be averse to speaking with them about changing their two GC parcels.

Barbara Laliberte, 31 Carol Avenue, spoke in favor. She said it would not be much different than what went on at the body shop. She said that she would love to see the property use because, right now, it is used by people who do donuts in the parking lot at all hours of the night.

Keith Thurlow asked the Town Attorney to comment on concerns of the Commission regarding the Regulations and creating two isolated lots.

Attorney Bleasdale commented that it is kind of like trading off one 10 acres for another. If the other Deary lot on Lucienne Avenue were changed, then you would have a more contiguous block of Light Industrial then you would only have one outlier rather than two outliers of Industrial. He said that you probably have flexibility to go in either direction. It depends on what your preference is and what the Regulations specifically say, because you're either creating a new block of ten or creating a new block of less than ten. At the end of the day, it comes back more to what your vision is of this immediate area and what the appropriate zoning is. If the other GC property is an auto body shop and it fits into the LI, then, even if the zoning is not changed right now, it probably fits more appropriately in LI than GC. It is up to the Commission to decide which is more appropriate and more consistent with the POCD and which might lead to more viable uses of the properties.

Brian Card noted that the lot to the west is a vacant lot, so even though it is zoned GC, it is not currently used as GC. So, if this Application were approved, and created an isolated lot there, it wouldn't be so much of an issue because it is unused at the moment. The auto body shop across the street is the only one that would be isolated and could go back to the same use, from a GC point of view.

Ann-Marie Aubrey suggested that the public hearing be continued to next month to allow Mr. Deary and Attorney Bleasdale to discuss the possibility of including Mr. Deary's property in the zone change and to also give time for Attorney Bleasdale to contact the auto body shop.

Attorney Bleasdale stated that they are happy to do that and he explained that the auto body property may take some investigation and will make every effort that he can.

There were no further comments.

Motion was made by Virge Lorents to continue the public hearing for **Zone MAP Change Ap#21-1274**; Weld, LLC (CGCT Killingly LLC/Landowner); 543 Wauregan Road; GIS MAP 262, LOT 20: General Commercial Zone; application seeks to change the zone of the subject real estate from General Commercial Zone to Light Industrial Zone, to Monday, November 15, 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).

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

1) **Zone Map Change Ap # 21-1271** – Douglas Const Co (J. Vance/Landowner); 605 Providence Pike & 200 Hubbard Hill Rd; GIS MAP 224, LOT 14; & GIS MAP 245, Lot 001; RD; change zone from RD to General Commercial on both parcels.

Motion was made by Brian Card to deny **Zone Map Change Ap # 21-1271** – Douglas Const Co (J. Vance/Landowner); 605 Providence Pike & 200 Hubbard Hill Rd; GIS MAP 224, LOT 14; & GIS MAP 245, Lot 001; RD; change zone from RD to General Commercial on both parcels.

Second by John Sarantopoulos.

Discussion:

Brian Card stated, for the record, that he does not feel that enough was put forth in front of the PZC to convince him that this zone change is consistent with the POCD and in trying to revitalize areas and changing/reusing commercial areas that we have in place in Town already. This is an area that the Commission had discussed a lot while reviewing the POCD and it is not consistent with what we are trying to do in that particular area, at this time (trying to keep development isolated to a certain strip in Town).

John Sarantopoulos stated that there is language in the beginning of both Rural Development and Commercial that states that you should have access to public utilities, adequate transportation and, furthermore, you would be putting it in an area that is residential. Obviously, the people in that area don't want it.

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

Motion carried unanimously (4-0-0).

2) **Zone MAP Change Ap#21-1274**; Weld, LLC (CGCT Killingly LLC/Landowner); 543 Wauregan Road: GIS MAP 262, LOT 20: General Commercial Zone; application seeks to change the zone of the subject real estate from General Commercial Zone to Light Industrial Zone. Continued to November 15, 2021.

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

1) **Site Plan Application #21-1275**; David Kode (Frito-Lay/Landowner); 1886 Upper Maple St; GIS MAP 62, LOT 53; 94 acres; Ind Zone; for the proposed building additions that will be under the allowed height. Review, and if application is complete, schedule for commission review on November 15, 2021.

Ann-Marie Aubrey stated that the Application is complete and she explained that this is to separate their special permitted buildings (height) away from those buildings that do not need the additional height. If they need to redesign, they would like to have the opportunity to start building the regular buildings first.

Motion was made by Virge Lorents to receive and schedule for Commission review **Site Plan Application #21-1275**; David Kode (Frito-Lay/Landowner); 1886 Upper Maple St; GIS MAP 62, LOT 53; 94 acres; Ind Zone; for the proposed building additions that will be under the allowed height for Monday, November 15, 2021, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.

Second by Brian Card.

Discussion:

Brian Card asked if the Commission would be able to request to see the entire site development plan.

Ms. Aubrey stated that the Commission will have the site development plan, but they are not requesting the height variance with this Application.

Attorney Roberts explained that some parts of it don't require the special permit approval. So, they would look to get the site plan approval on those things and do them while they figure out whether to reapply for the special permit if it is denied or just reconfigure it in some other way.

Mr. Card said that he would request that they word it that way when they present it, so the Commission can have a bigger picture/idea. Ms. Aubrey stated that the hearing for the special permit is scheduled for the same night (site plan will be first).

Motion carried unanimously by voice vote (4-0-0).

2) **Special Permit Application #09-961**; Request to extent the special permit for an additional 3 years; Tilcon Connecticut / Tilcon Inc.; 548 Wauregan Road, Killingly, GIS MAP 263, Lot 22; ~112 acres; rural development; last extension granted September 2018. Review/discussion/action.

Bruce Woodis, KWP Associates, represented the Applicant. Mr. Woodis stated that the original permit was granted in 1975 and has been renewed every three years since 2009. There has been no activity on the site for the last three renewals and there is none planned for the near future. They just want to keep their options open by renewing every three years. In 2018, he said that they presented the original maps and topographic plans and he said that nothing had changed since 2009.

Motion was made by Brian Card to renew **Special Permit Application #09-961**; Request to extend the special permit for an additional 3 years; Tilcon Connecticut / Tilcon Inc.; 548 Wauregan Road, Killingly, GIS MAP 263, Lot 22; ~112 acres; rural development; last extension granted September 2018.

Second by Virge Lorents. No discussion.

Motion carried unanimously by voice vote (4-0-0).

3) **Special Permit Application #05-868**; Request for Release of Bond; Ernest Joly & Son, Inc.; for 605 Providence Pike, Killingly, GIS MAP 224; Lot 14; `170 acres; Rural Development Zone; all phases of work completed.
Review/discussion/action.

Ann-Marie Aubrey read aloud from a letter from Ernest Joly & Sons dated September 14, 2021 (included in packets to Commission Members). She said that, due to understaffing issues, they have not been unable to verify this at the site. They will try to get out there this week with the Town Engineer and the land owner. Ms. Aubrey suggested two options: continue; or once the site has been seen. There was discussion.

Motion was made by Brian Card to continue **Special Permit Application #05-868**; Request for Release of Bond; Ernest Joly & Son, Inc.; for 605 Providence Pike, Killingly, GIS MAP 224; Lot 14; `170 acres; Rural Development Zone; all phases of work completed, to Monday, November 15, 2021, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.
Second by John Sarantopoulos. No discussion.
Motion carried unanimously by voice vote (4-0-0).

4) **Special Permit Application #13-1068 & Site Plan Application #13-1069**; Request from Enfield Builders to lower Surety Bond to \$18,356.00 as the Women's Institute never came in with the \$18,356.00 cash bond approved by PZC on December 21, 2020. Review/discussion/action.

Ann-Marie Aubrey explained that the request for a bond reduction to a cash bond of \$18,356 that had been approved in December 2020, was supposed to have been paid by the Women's Institute which is now defunct. The people who took over for the Women's Institute are in the process of doing what is supposed to be done. Enfield Builders would like to lower their Surety Bond from \$60,000 to \$18,356, or the Commission could request another cash bond from Enfield Builders. There was discussion. The bonding is for landscaping on the hillside. The other items have been addressed. Ms. Aubrey stated that the request came via e-mail.

Motion was made by Brian Card to approve **Special Permit Application #13-1068 & Site Plan Application #13-1069**; Request from Enfield Builders to lower Surety Bond to \$18,356.00 as the Women's Institute never came in with the \$18,356.00 cash bond approved by PZC on December 21, 2020.
Second by Virge Lorents. No discussion.
Roll Call Vote: Brian Card – yes; Virge Lorents – yes; John Sarantopoulos – yes; Keith Thurlow – yes.
Motion carried unanimously (4-0-0).

IX. ADOPTION OF MINUTES – (review/discussion/action)
1) Regular Meeting Minutes – SEPTEMBER 20, 2021.

Motion was made by John Sarantopoulos to approve the Minutes of the Regular Meeting of September 20, 2021.
Second by Virge Lorents. No discussion.
Motion carried unanimously by voice vote (4-0-0).

The Minutes of the Regular Meeting of August 16, 2021, will be on the November agenda for review/discussion/action.

Keith Thurlow commented about information that Matthew Wendorf had provided via e-mail regarding Low-Impact Development Standards. There was discussion. Ms. Aubrey will provide this information to those who did not receive it.

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

- 1) **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? Discussion continued to Nov. 15, 2021.
- 2) **WORKSHOP – Discussion** – Five Mile River Overlay District. Discussion continued to Nov. 15, 2021

XI. CORRESPONDENCE – None.

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

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

Jon Blake reported that the ZBA did not meet this month (no applications).

B. Inland Wetlands and Watercourses Agent's Report

Jon Blake reported that the IWWC is having a special meeting tonight.

C. Building Office Report – None.

XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT

Jill St. Clair reported on the recent activities of the EDC.

Mr. Thurlow commented that he feels that it is important to have input from the EDC, as in the past, for text changes/zone changes to be able to take into consideration how the EDC feels in these matters.

Brian Card suggested that EDC Members get a packet for PZC meetings that have an item on the agenda that would have an economic impact to the Town (positive or negative). They could choose to weigh in on it. There was discussion.

XIV. TOWN COUNCIL LIAISON REPORT

Patti Larrow reported on the recent actions of the Town Council.

XV. ADJOURNMENT

Motion was made by John Sarantopoulos to adjourn @ 9:30 p.m.

Second by Virge Lorents. No discussion.

Motion carried unanimously by voice vote (4-0-0).

Respectfully submitted,

J.S. Perreault
Recording Clerk

ARTICLE IX.
AMENDMENTS

Section 900. Application

These regulations, or the official Zoning Map, may be amended or repealed as provided herein. Such change may be requested by the Commission or by petition. Application for amendment shall be made on a form specified by the Commission and shall be accompanied by:

- 900.1 A fee is required for a Zone Change application and Change to Regulations application.
- 900.1.1 The applicant shall erect or cause to have erected a sign on the premises affected by the proposed zone change application at least ten (10) days prior to the public hearing on such zone change.
- Signs shall be provided by the Town for each Zone Change Application. Said sign shall be securely fastened or staked, and be clearly visible from the street closest to the affected property and be maintained as such until the day following the public hearing.
- A report from the Zoning Enforcement Officer attesting to whether the above described sign was erected and maintained as required shall be made part of the record at the public hearing. Failure of a petitioner to comply with this requirement may be grounds for automatic denial of the zone change, with consideration being given to cases where weather conditions or acts of vandalism have destroyed a properly posted sign. (Effective 3/1/90).
- 900.2 In case of an amendment to the Zoning map, a site plan drawn to a scale of 100 feet to the inch for a change involving 10 acres or less, or a scale of 200 feet to the inch for larger tracts. Such plan shall contain the following information :
- 900.2.1 Property lines, including streets and watercourses and the names of all abutting property owners including those across any streets.
- 900.2.2 Existing and proposed zoning district boundaries.
- 900.2.3 Location of any existing or proposed buildings, structures, streets, driveways, parking and loading spaces, and outside storage areas.

Commission shall state upon its records the reasons why the change was made.

Section 902. Criteria

In judging any such proposed amendment, the Commission shall take into account the various factors favorable and unfavorable to such a change, including but not limited to:

- 902.1 Errors in the existing zoning regulations, changes that have taken place in the rate and pattern of the Town's development and land use; the supply of land available in the present and proposed zones; the physical suitability of the land for the proposed zone; the effect of the change on the surrounding area (physical, social and economic), the purposes of zoning and the objectives of the Plan of Development; and neighborhood acceptance weighed against community needs.
- 902.2 The legality of the proposed amendment and whether some other method or procedure is more appropriate under the zoning regulations; and
- 902.3 ~~The size of the area involved.~~ Changes creating a total contiguous zone of less than 10 acres are, in general, not to be considered favorably.

Section 903. Effective Date

Amendments shall become effective at such time as is fixed by the Commission, provided a copy of such change shall be filed with the Town Clerk and notice of the decision shall have been published in a newspaper of general circulation in the Town.

Section 904. Rehearings

The Commission shall not be required to hear any petition relating to the same changes, or substantially the same changes, more than once in a period of twelve months.

Section 430.2

LIGHT INDUSTRIAL DISTRICT

The intent of this district is to encourage the establishment of certain small manufacturing activities, office and administrative headquarters, research organizations, and similar uses which are less demanding in terms of site requirements than those uses normally found in the industrial district. A light industrial district may be located adjacent to, or nearby, residential districts. Therefore, all uses within this district shall be clean, quiet and free of hazardous or objectionable elements such as noise, odor, dust, smoke, and glare. In addition, such uses, including related storage, shall be operated entirely within enclosed structure (except for docking areas necessary for receipt of supply deliveries) and shall generate, at most, a minimal amount of industrial traffic. Public sewer and water supply service shall be used where available.

(Amend. of 03-08-82)

430.2.1

Permitted uses:

The following uses of buildings and land are permitted only after securing of site plan approval from the Commission, and provided the floor area of any building or use does not exceed 15,000 square feet. Site plan review shall be required before any zoning permit is issued for any building or use, or enlargement in size or other alteration of any building or change in use or actual use of any building including accessory structures (see Section 470, Site Plan Review). Site plan review is not required for repairs or alterations to existing buildings or structures, provided that such work does not increase the floor area of any building or structure and does not change the actual use thereof.

In addition, the applicant shall be required to submit an erosion and sediment control plan under the provisions of Section 590 of these regulations when the proposed development will result in a disturbed area that is cumulatively more than one-half acre in size, or when the Commission determines that special site conditions warrant such a plan (i.e., excessive steep slopes, unstable soils).

- a. Storage, manufacturing, processing and assembly of goods not expressly prohibited by these regulations or limited by special permit.
- b. Wholesaling and related storage.
- c. General office space.
- d. Printing and publishing establishments.
- e. Those municipal and special district land uses existing upon the date of adoption of this amendment may be expanded by alteration of an existing building or structure or construction of a new building or structure on the same lot, provided:

nuisance avoidance criteria are met:

Such facilities must be on a minimum lot size of 50 acres, with structures located a minimum of 150' from all property lines.

In all cases the more stringent of the appropriate state regulations, federal regulations, and/or accepted industry standards shall apply.

1. In the establishment, operation and design of medical and biological research laboratories and facilities, the standards and procedures, as amended, of the National Institutes of Health, Bethesda, Maryland and Centers for Disease Control will apply. No facility may contain or conduct research involving Biological Safety Level-3 (or the equivalent term Risk Group-3) classification or higher.

2. No noise that due to level, frequency (pitch), duration, periodicity and predictability, tonal nature and/or impulsive nature will in any way have an objectionable effect upon adjacent or nearby property, shall be permitted. All Connecticut Department of Environmental Protection regulations promulgated in accordance with Chapter 442 of the Connecticut General Statutes shall apply.

3. Glare, whether direct or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall not be visible at any property line.

4. No activities involving bulk storage or manufacture of materials or products that could decompose by denotation shall be permitted. These materials include primary explosives such as lead azide, fulminates, lead styphnate, and tetracene; high explosives such as TNT, RDX, HMX, PETN and picric acid; propellants and their components such as dry nitrocellulose, black powder, boron hydrides, and hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamites and nitroglycerine; unstable organic compounds, such as acetylides, tetrazoles and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than 35 percent; and nuclear fuels, fissionable materials and products, and reactor elements, such as uranium-235 and plutonium-239. Utilization of the materials included in this section shall be limited to the minimum quantities necessary for specific research and only after the procurement of all required local, state and federal permits. Material type, quantity, storage, handling procedures, and location in the facility shall also be registered with the respective fire district, ambulance corps, the Killingly Planning Department, and Fire Marshal.

5. No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas as specified by the regulations of the United States Nuclear Regulatory Commission.

- e. Concrete mixing plants; bituminous paving plants.
- f. Motor vehicle repair and/or painting operations.
- g. Any other use which, in the opinion of the Commission, would violate the intent of this district as stated in the initial paragraph of Section 430.2 (Amend. of 03-08-82).

430.2.5

Buffering: Where any proposed industrial site adjoins a commercial or residential district, a buffer strip a minimum of twenty-five (25) feet and a maximum of fifty (50) feet in width, and containing planted screening material, shall be provided (see Section 310, Definitions, "planted screening"). Said buffer shall be planted in such a way so as to provide year-round screening. Required width of said buffer shall be determined by the Commission following consideration of such factors as the nature of the proposed use, size of the property in question, number of employees, number of employee shifts, hours of operation and proposed building height. In no case shall said buffer be less than twenty-five (25) feet in width. Preservation of existing vegetation is encouraged where, in the opinion of the Commission, such vegetation satisfies the intent of this section. (Amend of 11-14-83. § D)

Ann-Marie Aubrey

From: Jonathan Blake
Sent: Monday, November 29, 2021 3:12 PM
To: Ann-Marie Aubrey
Subject: Special Permit Application #05-868 - Bond Release Request

Follow Up Flag: Follow up
Flag Status: Flagged

Following up on Special Permit Application #05-868; Request for Release of Bond; Ernest Joly & Son, Inc.; for 605 Providence Pike, Killingly, GIS MAP 224; Lot 14; .170 acres; Rural Development Zone; all phases of work completed.

I spoke with Mr. Vance regarding the two pieces of equipment onsite, those are Mr. Vance's and he plans on storing them there. The truck on the property that appeared vandalized was; along with a piece of equipment from Ernest Joly & Son. The police were involved and Mr. Vance is working with his insurance company. I reviewed the status of the property with Mr. Vance as the original application stated the intention of returning the property to its natural state, at the end of the operation and weather he felt all work had been done. Mr. Vance was happy with it and plans to let the back area grow and while maintaining the roadway and keeping a small portion as grass. The recommendation from Staff is to return the bond in full to Ernest Joly & Son, Inc.

Jonathan Blake
Planner / Zoning Enforcement Officer
Killingly Town Hall
172 Main Street
Killingly, CT 06239
(o) 860-779-5311
(f) 860-779-5381

#05-868
ERNEST JOLY & SON, INC.
605 PROVIDENCE PIKE
RE: BOND RELEASE REQUEST.
—WESTERN SURETY BOND—
AMOUNT - \$4,200.00



Town of Killingly

Engineering Office
172 Main Street, Killingly CT 06239
Phone 860-779-5360 Fax 860-779-5326

#17-1185

40 AIRPORT RD.
"Belmont Homes"

MEMORANDUM

TO: Ann-Marie Aubrey, Director of Planning and Development
FROM: Alec Ethier, Engineering Technician
DATE: December 6, 2021
RE: Release of Bond for Airport Road
CC: David Capacchione, Town Engineer, Jim Brennan, Kaplan and Brennan, Jen Hawkins, Director of Finance, Jon Blake Planner I, file

Please release this bond from Kaplan and Brennan in the amount of \$31,000 for the remaining drainage, roadway and paving improvements associated with the subdivision on Airport Road being performed by Frank Swabby.

The work has been completed to the satisfaction of the Killingly Engineering Department, and therefore the bond shall be returned to Kaplan and Brennan so payment can be made to the contractor (Mark Weeks) who performed the road improvements.

If you have any questions, please do not hesitate to contact me at 860-779-5360.

RECEIVED

DEC - 6 2021

PLANNING & ZONING DEPT.
TOWN OF KILLINGLY

Mark O.Weeks Inc.
13 Lisbon Rd

Date 11/26/2021
Invoice # 843

Bill To
Town of Killingly
Engineering Department
172 Main St
Killingly, CT 06239

Ship To

P.O. #
Terms Net 30

Ship Date 11/26/2021
Due Date 12/26/2021
Other

Item	Description	Qty	Price	Amount
Site Work	Airport Rd - Overlay and Drainage completion		31,000.00	31,000.00

Subtotal \$31,000.00
Sales Tax (6.35%) \$0.00
Total \$31,000.00
Payments/Credits \$0.00
Balance Due \$31,000.00

Mark O. Weeks Inc.
mowinc@charter.net
SBE

860-234-4305

KILLINGLY PLANNING & ZONING COMMISSION
MEETING DATES

2021 NOV -9 PM 2:30

MEMORANDUM

(Pursuant to Connecticut General Statutes Section 1-21)

TO: KILLINGLY TOWN CLERK

FROM: KILLINGLY PLANNING & ZONING COMMISSION

DATE: OCTOBER, 2021

The Killingly Planning & Zoning Commission convenes its regular monthly meetings on the third Monday of the month at 7:00 PM in the Town Meeting Room, Killingly Town Hall, 172 Main Street, Killingly. Public Hearings are scheduled as needed to commence at 7:00 PM. If such Monday is a State or Federal holiday, the meeting will be held on the following evening (Tuesday). Meeting dates are as follows for the year 2022 and January, 2023:

MEETING DATES

DAYS UNTIL NEXT MEETING

January	18 (Due to Martin Luther King, Jr. Day)	35
February	22 (Due to Presidents' Day)	27
March	21	28
April	18	28
May	16	35
June	20	28
July	18	28
August	15	35
September	19	28
October	17	35
November	21	28
December	19	29
January, 2023	17 (Due to Martin Luther King, Jr. Day)	

Meeting dates in the Spring, 2022 may need to be re-adjusted due to budget workshops.

ZONING PRACTICE

DECEMBER 2021



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PLANNING & ZONING DEPT.
TOWN OF KILLINGLY

➔ ISSUE NUMBER 12

PRACTICE ZONING MINIMALISM



Zoning Minimalism

By Norman Wright, AICP

“Less, but better” is a time-tested principle of great design. First heralded by Dieter Rams, the credo has been infused into the creation of everything from consumer goods to software. The wisdom can be applied in practically everything we make, including land development policy. Our zoning ordinances are a product of design. They are rarely a product of this approach.

Every practitioner has a sense that some of our rules are more effective than others. It begs the question: *What is the most important rule in your zoning ordinance?*

I've posed this question to many colleagues across the country, and I am delighted by the answers I get. For some, the answer is build-to lines. For others it is the street standard. Someone once told me transparency requirements are the most critical. Amid the variety of answers, one thing has been clear: I have yet to hear a planner tell me that the land-use table is paramount to our efforts. Land use is not what matters most. Landscaping requirements do not seem to be the cornerstone, either. Or signage. Or fence heights. Or parking.

Those things can be important, but they do not constitute the “vital few” in anyone's mind. After all, this question gets us to the first principles of city planning and land development. When we work from this base level, we tend to deal with the elements of physical planning. Our focus is on the relationships between the public and private realm, where street frontages, street types, and building placements determine so much of the eventual form and function.

And for good reason: when we regulate these elements effectively, we achieve something akin to 90 percent of the urbanism we want with less than 10 percent of the regulations we administer. This article makes a case for why a minimalist approach to zoning may be necessary to achieve our core aims. It proposes five simple rules that could constitute the basis of an effective zoning code and demonstrates how these rules might work in practice.

THE CASE FOR ZONING MINIMALISM

Planners generally occupy two mindsets when dealing with zoning regulations. We must be both the designer and the administrator. As designers, we are tactical and immediate, navigating the code on a case-by-case basis, working within its parameters to help builders do the best they can with what is on the ground. As administrators, we are strategic and systematic, thinking in abstractions about the new rules and policies that can guide broader change across whole communities.

The designer implements the code. The administrator changes it. Sometimes.

We know that too many rules lead to too many inconsistencies, just as too many lines of computer code lead to more bugs in the program. As designers, we tend to resolve these issues through administrative waivers, variances, and conditions of approval. This is us fighting our own code to make good things happen. Over time, we maintain a list of the most persistent issues and then, as administrators, we make changes so that the

good things happen more easily. Case in point: I remember giving waivers to commercial developments that wanted to do *less* parking until, finally, we changed the onerous parking standard and its extreme minimum requirements. No more extreme parking requirements and, better yet, no more administrative waivers.

When done well, this incremental approach gives us an ever-evolving development code that is more amenable to current trends, more internally coherent, and easier to manage as a system. This is a good thing. It is also insufficient and can obscure a deeper problem.

The popular question these days isn't how *much* minimum parking one should require but, rather, *why have a parking minimum at all?* The more pressing question to me is this: *why* has it taken us so long to ask this very question?

I blame the incremental approach. The incremental approach narrows our focus and actually keeps us stuck in the designer mindset. It leads us to negotiate on a rule-by-rule basis in the same way we negotiate subdivisions on a case-by-case basis. What are we negotiating? The most immediate obstacles we see, like egregious parking minimums, instead of the larger problems that the system creates by extension of such rules (e.g., auto-centric urbanism). In other words, the incremental approach draws our attention away from the end results and first principles of great city planning—the stuff that inspired our rules in the first place.

I have overseen regulatory systems across the country now, and I must admit guilt here. In every place, with every code, I have helped my communities revise their rules in an incremental approach. Doing so has helped us to increase the fairness, ease, and effectiveness of all the bad rules that generate sprawl, restrict housing supply, exacerbate traffic congestion, and degrade sustainability.

This is never deliberate, of course. We simply try, in the designer's incremental approach, to make things better. We cannot see the limitations until we step back, as administrators, and view the regulatory system as a whole. When we do so, we naturally find ourselves wanting to start over. We feel frustrated by the complexity, the minutiae, the bad processes, and flawed rules.

This is when zoning minimalism, as a rationale, becomes attractive. At first blush, the idea resonates on the commonsense notion that a smaller code will have less noise and internal conflict. But that is just the beginning. Zoning minimalism is not inherently an attack against complex rule-books. Zoning minimalism is a response to clear ambitious goals for the urban environment. We don't always have such goals.

So back to the question: **What is the most important rule in your zoning ordinance?** Whatever your answer, it is your way of communicating what you think the goal must be for your community. If you explore this further, and refine the very goal itself, the rest of the minimalist approach comes naturally.

THE GOAL

A clear, tractable, underlying goal is essential to recognizing the value of a rule. Creating such goals is the most difficult challenge in minimalism. Most examples that you find in a zoning ordinance begin with generic aspirations and broadside proclamations of how the rules are established to protect the "health, safety, and welfare" of the community. From there, you might find more purposeful language tied to the policies of a comprehensive plan—with objectives like "reduce greenhouse emissions" and "increase the supply of affordable housing." Then we take a big leap into the rules themselves.

There is a chasm between these goals and the rules that follow. We lack a direct, literal connection between the two. It begs the question: which rules are written to achieve which aspirations? All of them? Half of them? None? Did you define your minimum lot size to increase housing affordability or lower greenhouse gasses? Or both? Or is your lot size requirement designed to solve something else?

We must have an answer. We must bridge these gaps. The only way to understand the quality of a rule is in relation to the goal we seek to achieve. Otherwise, without a clear goal, we will lack a clear method for evaluation.

I cannot stress enough how critical this is to the concept of minimalism. After all, the idea here is to show what is minimally *viable*. Viability is relative to what you are trying to do. For the sake of this article, I will present what I consider to be the fundamental goal of a zoning ordinance in 2021:

To foster an accessible, resilient urban form that accommodates and adapts to human needs over time.

This is the seed from which my sample ordinance will grow. The first order of business is to define the terms:

- **Accessible:** provides accessibility in all manners of intended use for all residents of a community
- **Resilient:** can retain its form and function against external stressors
- **Accommodate:** to satisfy the wishes and needs of the intended party
- **Adapt:** to adjust to new conditions
- **Urban form:** the physical characteristics that make up built-up areas, including the shape, size, density, and configuration of settlements
- **Human needs:** physiological needs for shelter, safety, accessible travel, electricity, water, and sanitation and psychological needs for congregation, communication, and commerce

I strictly limit myself to the built environment. It is very easy to creep into other realms of need that the built environment does not directly affect. Case in point: some

zoning regulations attempt to limit land use as a means of indirectly lowering noise and reducing traffic intensity. As if the city doesn't have another rule book for managing nuisances and enforcing speed limits. There are many local public services and local government codes that are better designed to meet different needs. So let's focus on what those codes cannot do well: optimizing the built environment.

FIVE SIMPLE RULES

For the goal I've defined, I theorize that the best solution already exists. It is the city grid. The grid has worked nicely for quite some time. It provides a platform for all building types and uses, functions well for all types of local travel, encourages efficient land consumption, can be easily expanded with the terrain, and looks neat on a map.

Consider how William Penn's 1682 grid for Philadelphia remains largely intact nearly 400 years later, supporting all manner of change within the stately confines of its public space. The grid is tied to simple rules that make it easy to start and easy to continue; you can see this in the way that Philadelphia extended Penn's grid westward in the late 19th century. Doing so continued a sustainable, resilient urban form that is clearly capable of meeting human need.

To foster an accessible, resilient urban form that accommodates and adapts to human needs over time, we will write a development code that implements a version of this classic grid pattern. And, in the interest of *doing no harm*, the ordinance will operate with as few rules as possible to avoid unintended consequences.

Using five rules detailed below, I will focus on the assembly of the public space while ensuring an orderly, consistent relationship with the private space. I will build around a small town's courthouse square because, well, we have to start somewhere (see figure 1).

Block Dimensions

Any combination of platted lots will maintain block lengths that are greater than or equal to 200 feet in length but less than or equal to 400 feet in length. Block sections, or the

maximum distance between any two points on the perimeter of a block, must measure no less than 283 feet in length and no more than 566 feet in length (see figure 2).

Street Standard

Public streets must meet the following standard (see figure 3): three-lane street with a 10-foot dedicated center lane for transit, 11-foot vehicle travel lanes, 8 feet for on-street parking, and 12-foot sidewalks. Trees must be planted along the sidewalk every 25 feet on-center and streetlamps provided in alternating fashion every 25 feet on-center. *Sidenote: variations are easy to accommodate. Maybe a center transit lane needs to be 12 feet and sidewalks can be 10 feet and parking 9 feet. Easy enough.*

Build-To Frontage Ratios

At least 80 percent of a building’s street facade will be within 5 feet of the public street boundary (see figure 4).

Minimum Lot Coverage

Buildings will be constructed in a manner that occupies at least 60 percent of the total platted lot surface area (see figure 5).

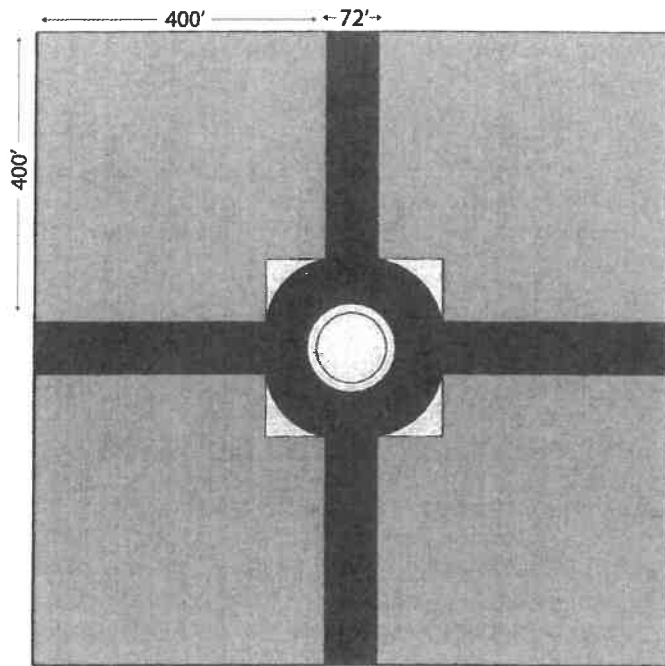
Transparency

At least 70 percent of a nonresidential building’s ground floor frontage will be composed of transparent glass. All other floors, and residential ground floors, will be composed of at least 50 percent transparent glass.

INTERPLAY AMONG THE RULES

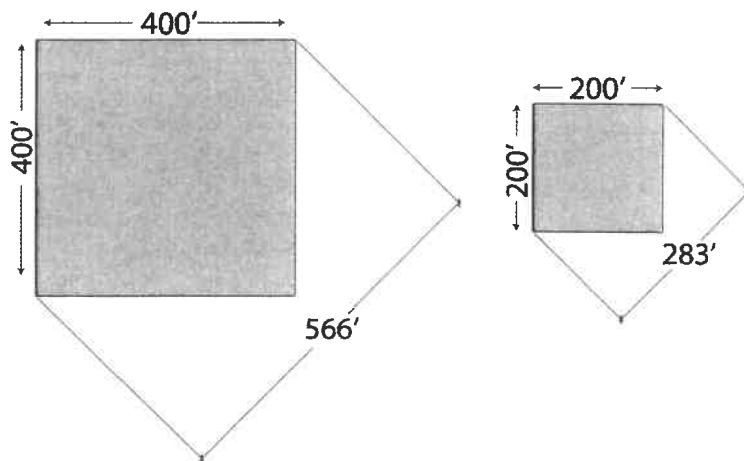
Block length might be the most powerful rule of all. From our initial courthouse square, you can see it drastically shape the urban form. I have drawn a randomized plan using the min-max allowance of 200–400 feet (see figure 6). Because it’s random, the block sizes vary quite a bit. Four-way intersections aren’t guaranteed and, frankly, aren’t always so critical. The occasional T-intersection creates a nice opportunity for sight termini that give the area a cozy feel.

There are weird remainders, though. Every now and then a pattern like this has spaces where the land can’t quite accommodate the rules. No worries. Inadvertent



Norman Wright

➡ Figure 1. A small town’s courthouse square



Norman Wright

➡ Figure 2. Maximum and minimum permissible block configurations

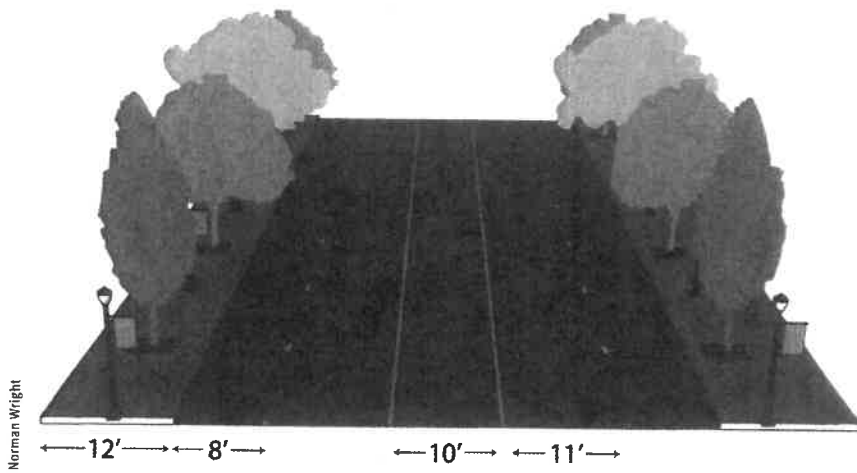


Figure 3. A street section showing the mandatory allocation of space

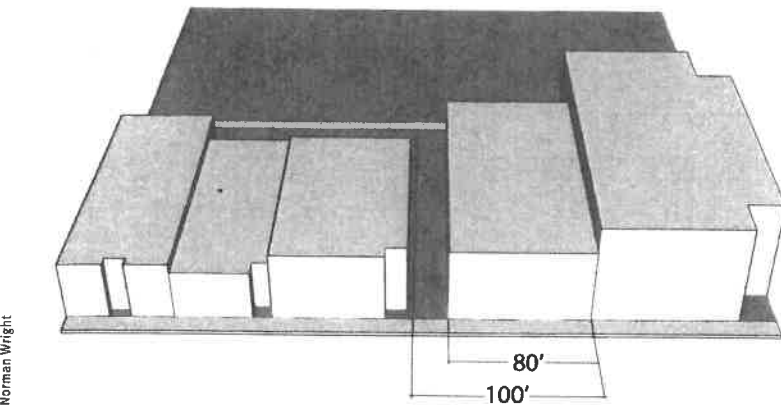


Figure 4. A block face with a building illustrating the maximum permissible deviation from the build-to-frontage ratio

remainders of land are how pocket parks are born.

From there, the city streets inject vibrancy. This gets to another theory: Just as street grids are the core of sustainable development, great streets are the core of great urbanism. We'll zoom in at the new park and find street trees, wide sidewalks, and a shared middle lane for dedicated transit and left-hand turns.

Next come the buildings (see figure 7). I have no idea what they are used for. I don't even know how tall they will be. All I know is that each structure must be positioned near the street to create a nice interplay with the public realm. Variation matters, though, so 20 percent of each building is free to be separated from the sidewalk's edge. This allows for nice flourishes along each frontage (e.g., small entrances tucked into alcoves,

platform patios for dining alfresco, or stairways leading to two-story walkups).

As a general massing model, we find the code's lot coverage creates a very efficient use of space. A 60 percent minimum lot coverage is very confining. It creates a powerful indirect effect: Either buildings must be bigger, or lots must be smaller. Small lots create rich urbanism just as surely as rich soil makes great gardens. Most lots shrink when minimum lot coverage reaches levels of 60 percent or greater. Huge parking lots are no longer possible. Massive separations between buildings are eliminated. Wasted space is no longer wasted.

Finally, there is transparency. I used to be more sanguine about windows, thinking they were nice but not necessary. Enough time in derelict districts have taught me otherwise. Windows make this overall pattern welcoming and livable. Without them, I think we'd feel claustrophobic.

This is it. This is my city. This is my code. The space is accessible, resilient, and—like Penn's plan—it accommodates and adapts to human needs over time. It isn't perfect, of course, but these five simple elements make something that is better than what most codes can produce.

LESS BUT BETTER

Just because it is better does not mean this scheme is easier. I am quite certain that I would have an absolute battle on my hands if I were to institute this five-rule system in any jurisdiction I've served. Nevertheless, I am quite certain that if I were to hold firm on these requirements—only these and nothing more—I would forever alter the urban form in ways that are far more beneficial than anything I can produce within the confines of my current systems. The benefits would be profound.

Just like the existing ordinance, this code would not supersede other city ordinances. The building code remains intact, with all its imperfections. Public dedication and utility requirements still apply. Land recording and subdivision processes continue as always. These five rules would only replace the remainder of the land development code that current regulates form and use.

The benefits go beyond the outcomes, too. Imagine a developer is properly researching your city to find out what it takes to build there. A plain, concise code of this nature could be profoundly attractive. *Build to this simple (and effective) standard. Don't expect us to ask for anything else.*

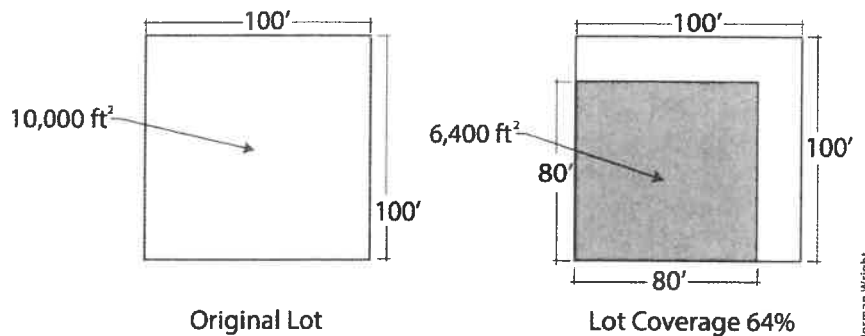
Such a predictable, clear, objective stance gives all developers—all *people*—the exact thing we want to provide: an even playing field. In this scheme, your next-door neighbor will know as much about how to contribute to the urban form as a multinational development corporation. Isn't that beautiful? We bring accessibility not only to the form itself but to the process of building it.

What about landscaping, land use, architectural design, signage, housing values, traffic and school impacts, tree preservation, and climate change? All these things are important. None directly relate to my goal. But my solution does.

This is where we must recognize leverage points in a system. If we build the right form, the rest can follow. For example, a great deal of research has demonstrated that a well-designed street grid is the best method for delivering the most benefits to the most needs, from the environmental to the aesthetic to the functional to the economic and the societal. By simply ensuring its continued development, we can produce a cascade of secondary benefits that, *but for* this form, a normal zoning ordinance cannot ensure with a thousand additional rules.

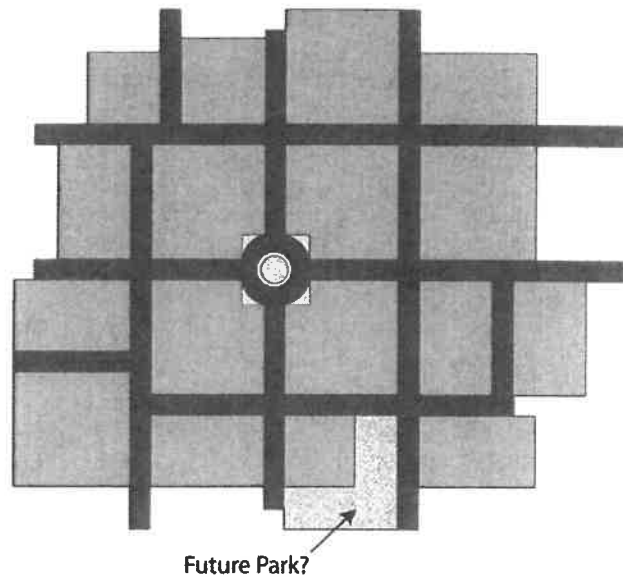
But I am not here to praise the grid. Many high performing urban environments effectively demonstrate the need for a wider variety of design schemes. So be it. Let's embrace this with variations of the minimalist approach.

Whatever the context, once a core set of rules is properly calibrated, we have a platform for developing the rest. Establishing the core rules is akin to laying out the buildings on a college campus and then allowing people to forge their desire paths to each place before we pave the eventual sidewalks that connect. Paving the "desire path" is easy and exciting once the fundamentals are anchored.



Norman Wright

➔ Figure 5. An example of a permissible lot coverage



Norman Wright

➔ Figure 6. A randomly generated street plan

A paradox emerges in efforts like this. We need more discipline to administer less rules. We have to say "no" to many things that people want a zoning ordinance to solve.

Finally, please note that this article is not advocating for *only* five rules. Have 10 rules. Have 30. Vary it by district or transect

or zone or whatever nomenclature you desire. The number does not matter so long as there is clear intent, actionable goals, tractable theory, and a direct connection between the rule and the goal we aspire to achieve. These are the fundamentals of zoning minimalism. These fundamentals are becoming increasingly relevant.

Norman Wright

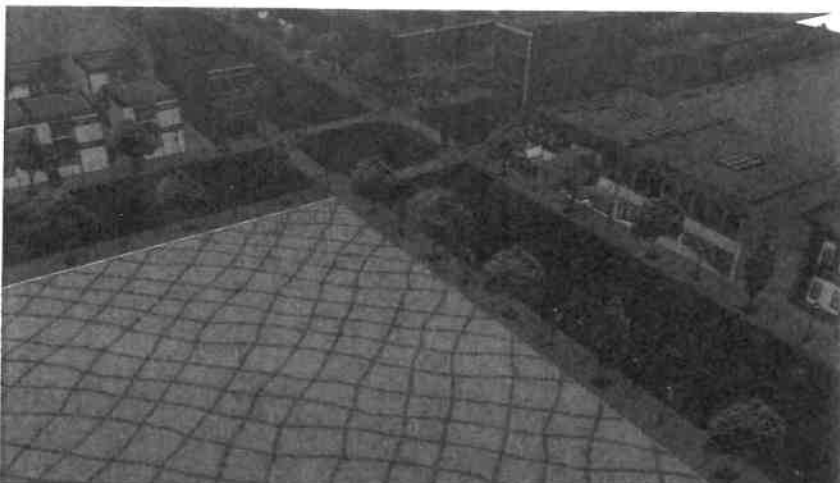


Figure 7: A hypothetical build-out of an intersection with park frontage

THE CORRECTIVE WAVE

The demonstration above might seem far-fetched to some. It involves a blank canvas of land and a “start from zero” approach to regulation that none of us have experienced. All planners in local government have inherited rulebooks with hundreds, or even thousands, of pages. Yet, new opportunities are emerging across the country to diminish that regulatory burden. As these moments arise, it is critical that we think more about what rules we should leave in or leave out.

In my first article for *Zoning Practice* in November 2012, I wrote an argument against density standards, proclaiming “the use of density regulations often leads to unintended consequences ...” and “modern zoning practice must acknowledge the limits of density regulations.” I remember presenting the argument at a conference soon after and seeing the grave concern on the audience’s faces. Some welcomed the idea. Most didn’t. I was not invited to the next conference.

Six years later, in 2018, California State Senator Scott Wiener introduced SB 827/50, a proposal to effectively eliminate local density restrictions within a half-mile of a major transit stop. The reasons are many, but the goal was clear: Senator Wiener and his constituents wanted to eliminate an

unnecessary barrier to housing. The bill failed repeatedly but heralded the start of a new wave.

The next year, 2019, Governor Kate Brown signed House Bill 2001, effectively prohibiting single-family zoning across the State of Oregon.

In 2020, Minneapolis enacted new regulations eliminating single-family zoning as a major first step in implementing its new comprehensive plan. The city decided there were more effective ways to manage growth without the collateral damage that single-family density restrictions create.

What happens next? I don’t know, but I applaud these efforts. It takes a great deal of courage, or desperation, to remove rules and restrictions. These actions are systemic responses to a clear and present housing crisis. These actions get at one of the root causes that we practitioners have known about for quite some time. We didn’t need a housing crisis to know the limitations of single-family zoning. We don’t need other crises to know the consequence of our other nonessential rules.

No question about it: we need more than five rules. The point is that we also need to reconsider our rules whenever we can. Regularly imagine the clear ideal of what are cities need to be. Express it as a goal. Draw

it out. Then write the code on a blank sheet of paper. Start at zero (or five) and watch the “vital few” requirements unfold.

I always find myself wishing I would do this more often. It feels right to do so, the pinnacle of elegance. As counterintuitive as it may feel, time and again I see that requiring less helps us accomplish more.

ABOUT THE AUTHOR

Norman Wright, AICP, is the director of community development for the city of Salem, Oregon. A past contributor to *Zoning Practice*, his work has also been featured in *Planning*, *Planetizen.com*, and *Public Management Magazine*.

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