



TOWN OF KILLINGLY, CT
PLANNING AND ZONING COMMISSION

MONDAY – AUGUST 15, 2022

**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

AGENDA

THE PUBLIC CAN VIEW THIS MEETING ON FACEBOOK LIVE.

GO TO www.killinglyct.gov AND CLICK ON FACEBOOK LIVE AT THE BOTTOM OF THE PAGE.

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

NOTE: Public comments can be emailed to publiccomment@killinglyct.gov or mailed to the Town of Killingly, 172 Main Street, Killingly, CT 06239. 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.killinglyct.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 2633 171 9426 when prompted.

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

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RECEIVED
TOWN CLERK, KILLINGLY, CT
2022 AUG 12 AM 8:14
Elysebeth M. Wilson

1) **Special Permit Ap # 22-1289** – Dayville Four Corners, LLC (Applicant/Owner); 730 (736) Hartford Turnpike, GIS MAP 115, LOT 6, General Commercial Zone, ~7.07 acres, request use of existing space in building for liquor, beer & wine sales, under TOK Zoning Regs under 420.2.1(a) with reference to 420.1.2(i). **CONT FROM 5/16/2022, 6/20/2022 and 07/18/2022.**

2) **Zone TEXT Change Ap# 22-1294** – Rosemary & Thomas C. Clarie et als; proposed text amendment to Sections 436.1; 436.2; 436.3; 436.4.2; 436.4.3; 436.6.1.b; 436.2.2; and 450 of the TOK Zoning Regulations regarding permitted uses and requirements of the Business Park District – making changes to the Intent, General Requirements, Special Permitted Uses; Interior Circulation; Landscaping and Screening; replace Exemptions with Concept Plan Optional; Concept Plan; and Dimensional Requirements. **CONT FROM 07/18/2022 – APPLICANT REQUESTS CONTINUANCE TO SEPT. 19, 2022.**

Hearings' segment closes.
Meeting Business will continue.

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

1) **Special Permit Ap # 22-1289** – Dayville Four Corners, LLC (Applicant/Owner); 730 (736) Hartford Turnpike, GIS MAP 115, LOT 6, General Commercial Zone, ~7.07 acres, request use of existing space in building for liquor, beer & wine sales, under TOK Zoning Regs under 420.2.1(a) with reference to 420.1.2(i). **CONT FROM 5/16/2022, 6/20/2022 and 07/18/2022.**

2) **Zone TEXT Change Ap# 22-1294** – Rosemary & Thomas C. Clarie et als; proposed text amendment to Sections 436.1; 436.2; 436.3; 436.4.2; 436.4.3; 436.6.1.b; 436.2.2; and 450 of the TOK Zoning Regulations regarding permitted uses and requirements of the Business Park District – making changes to the Intent, General Requirements, Special Permitted Uses; Interior Circulation; Landscaping and Screening; replace Exemptions with Concept Plan Optional; Concept Plan; and Dimensional Requirements. **CONT FROM 07/18/2022 – APPLICANT REQUESTS CONTINUANCE TO SEPT. 19, 2022.**

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

1) **Special Permit Ap #22-1296** – Nutmeg Killingly JV LLC (Darien Post Rd LTD & Flanders Post Rd LP / Owner); 1076 North Main Street; GIS MAP 130, LOT 6; vacant bank bldg.; adult use cannabis retail establishment, under T.O.K. Zoning Regulations Section 420.2.2.r (under General Commercial Use); Section 567 Cannabis Establishments. **Receive application and schedule for public hearing – suggested hearing date September 19, 2022.**

(*) Applications submitted prior to 5:00 PM on MONDAY, AUGUST 8, 2022, will be on the agenda as New Business, with a “date of receipt” of MONDAY, AUGUST 15, 2022, and may be scheduled for action during the next regularly scheduled meeting of **MONDAY, SEPTEMBER 19, 2022.**
(*) Applications submitted by 12:00 noon on FRIDAY, AUGUST 12, 2022, will be received by the Commission (“date of receipt”) on MONDAY, AUGUST 15, 2022. However, these applications may not be scheduled for action on MONDAY, SEPTEMBER 19, 2022, as they were submitted after the Commission’s deadline. This is in accordance with Commission policy to administer Public Act 03-177, effective October 1, 2003.

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

1) Regular Meeting Minutes – JULY 18, 2022

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

1) **Plant Permit Renewal – Ap #19-1227** – Ernest Joly & Sons, Inc.; 32 Beatrice Avenue; GIS MAP 262, LOT 15 & 16 (GPS Address: 583 Wauregan Road); ~175 acres, GC Zone; to continue a gravel operation which includes crushing, the operation was established in 1955 as a sand and gravel operation. **Requesting another three (3) year extension.**

2) **Subdivision – AP#13-1064** of The Building America Companies, LLC (transferred and assigned to Tri-Lakes, LLC) for Phase 1 – 31 Lots -single family cluster development; 520 Bailey Hill Road; May 143, Lot 6; Rural Development Zone; Phase ~ 150 acres; total parcel ~645 acres. **Current approval expires in November 2023; and applicant is requesting an extension for an additional four (4) years until November 2027 – as allowed under CT General Statute §8-3k.**

3) **Special Permit – Ap #22-1286** – by American Storage Centers, LLC, for 551 Westcott Road, GIS MAP 214, LOT 5, ~3.8 acres; GC; request to construct 6 new buildings & convert 1 existing building for a self-service storage facility; under TOK Zoning Regulations Sections 420.2.2(q). **Applicant is requesting a 60-day extension to file the mylars and the approval letter, due to delays in receiving approval from CT DOT. This 60-day extension would bring the filing deadline to the end of business on Friday, September 16, 2022.**

XI. CORRESPONDENCE
NONE

XII. DEPARTMENTAL REPORTS – (review/discussion/action)
A. Zoning Enforcement Officer's & Zoning Board of Appeal's Report(s)
B. Inland Wetlands and Watercourses Agent's Report
C. Building Office Report

XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT

XIV. TOWN COUNCIL LIAISON REPORT

XV. ADJOURNMENT

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

3) **Special Permit Ap # 22-1289** – Dayville Four Corners, LLC (Applicant/Owner); 730 (736) Hartford Turnpike, GIS MAP 115, LOT 6, General Commercial Zone, ~7.07 acres, request use of existing space in building for liquor, beer & wine sales, under TOK Zoning Regs under 420.2.1(a) with reference to 420.1.2(i).

APPLICANT(S): Dayville Four Corners, LLC.
LANDOWNER(S): Same
SUBJECT PROPERTY: 736 Hartford Pike
ASSESSOR’S INFO: GIS MAP 115, LOT 6
ACREAGE AMOUNT: ~7.07 acres
ZONING DISTRICT: General Commercial
REQUEST: Special Permit for a Liquor Store
REGULATIONS: Section 420.2.1(a) with reference to 420.1.2(i)
Special Permit – Article VII.
Site Plan – Section 470

Documents Attached

- 1) Letter dated May 10, 2022, from MidPoint Engineering & Consulting
 - 2) Letter dated November 2, 2016, from MidPoint Engineering & Consulting (referred to in 5/10/2022 letter)
 - 3) Compilation Plan – showing an overview of the shopping plaza
 - 4) Interior layout of the proposed “liquor store unit”
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Legal Notices

- 1) A Legal Notice of the Continuation was published in the Friday, July 22, 2022 edition of the Norwich Bulletin.
- 2) A Legal Notice of the Continuation was posted in the Town Clerk’s Office on 7/19/2022.

Legal Notices

- 1) A Legal Notice of the Continuation was published in the Friday, 05/20/2022 edition of the Norwich Bulletin.
- 2) A Legal Notice of Continuation was published in the Friday, 06/24/2022 edition of the Norwich Bulletin

Legal Notices

- 1) Legal Notice posted in Town Clerk’s Office on April 21, 2022
 - 2) Legal Notice published in Norwich Bulletin on Monday, 5/2/2022 and Monday, 5/9/2022
 - 3) Placard posted at the site as witnessed by the ZEO
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STAFF COMMENTS AND SUGGESTIONS (8/15/2022)

- 1) The applicant sent a memo to the PZC for the 7/18/2022 meeting requesting a continuance until the August 15, 2022, meeting. As the continuance was the only item discussed, staff does not have any further comment at this time.

Please refer to the Staff Comments and Suggestions from previous meetings listed on the next page.

STAFF COMMENTS AND SUGGESTIONS (7/18/2022)

- 1) At the last meeting, the applicant requested a continuation to prepare answers for questions asked by the commission and to review the Special Permit and Site Plan regulations.
- 2) Some concerns raised by the commission members at the 06/20/2022 hearing/meeting; a) members felt that the entrance needs to be looked at for safety reasons, b) the percentage of sales space to storage space for the store, c) list of possible hours of operation and days opened, d) give applicant opportunity to show they can meet the requirements of the Special Permit and Site Plan sections of the Town's regulations.

STAFF COMMENTS AND SUGGESTIONS (06/20/2022)

- 1) As it was the applicant that requested the continuation this will be the first time the commission members will be hearing this matter. Therefore, staff has no additional comments to add to those listed below.

STAFF COMMENTS AND SUGGESTIONS (05/16/2022)

- 1) That the commission review the regulations listed above, and verify that the applicant has met all those standards,
- 2) That the commission listen to the testimony given by the applicant and others,
- 3) Staff does not see an issue with a liquor store at this site; however, the State will make the final determination if this site qualifies for a liquor sales license.

May 10, 2022

22-1289

Ann-Marie Aubrey
Director of Planning & Development
Town of Killingly, Connecticut
172 Main Street
Danielson, CT 06239

RE: Dayville Four Corners Shopping Center, 710-736 Hartford Pike

MidPoint Engineering + Consulting, on behalf of our Client, Dayville Four Corners, LLC, is pleased to submit this letter in support of the special permit application for proposed liquor sales use at the Dayville Four Corners shopping center. The proposed use will occupy the easterly portion of the existing building. This space was previously occupied by "Halloween Spirit" on a seasonal basis and was a portion of the building that was originally occupied by "Beit Brothers" supermarket. The Town has assigned an address of 736 Hartford Pike for this unit.

A preliminary floor plan has been attached to the application which shows, in general, the configuration of the existing space. The proposed liquor use does not have a final floor plan, however, it is expected that no more than 80 percent of the floor area will be dedicated to retail sales. Other space will be used for storage. No improvements are proposed outside the building footprint.

MidPoint completed the attached parking analysis as part of the site plan approval process for the Harbor Freight store also located within the building. The proposed liquor store use agrees with that analysis and thus parking for the center would remain compliant with zoning regulations.

Please contact me at (508) 721-1900 or via email at pdoherty@midpointengineering.com if you need any additional information.

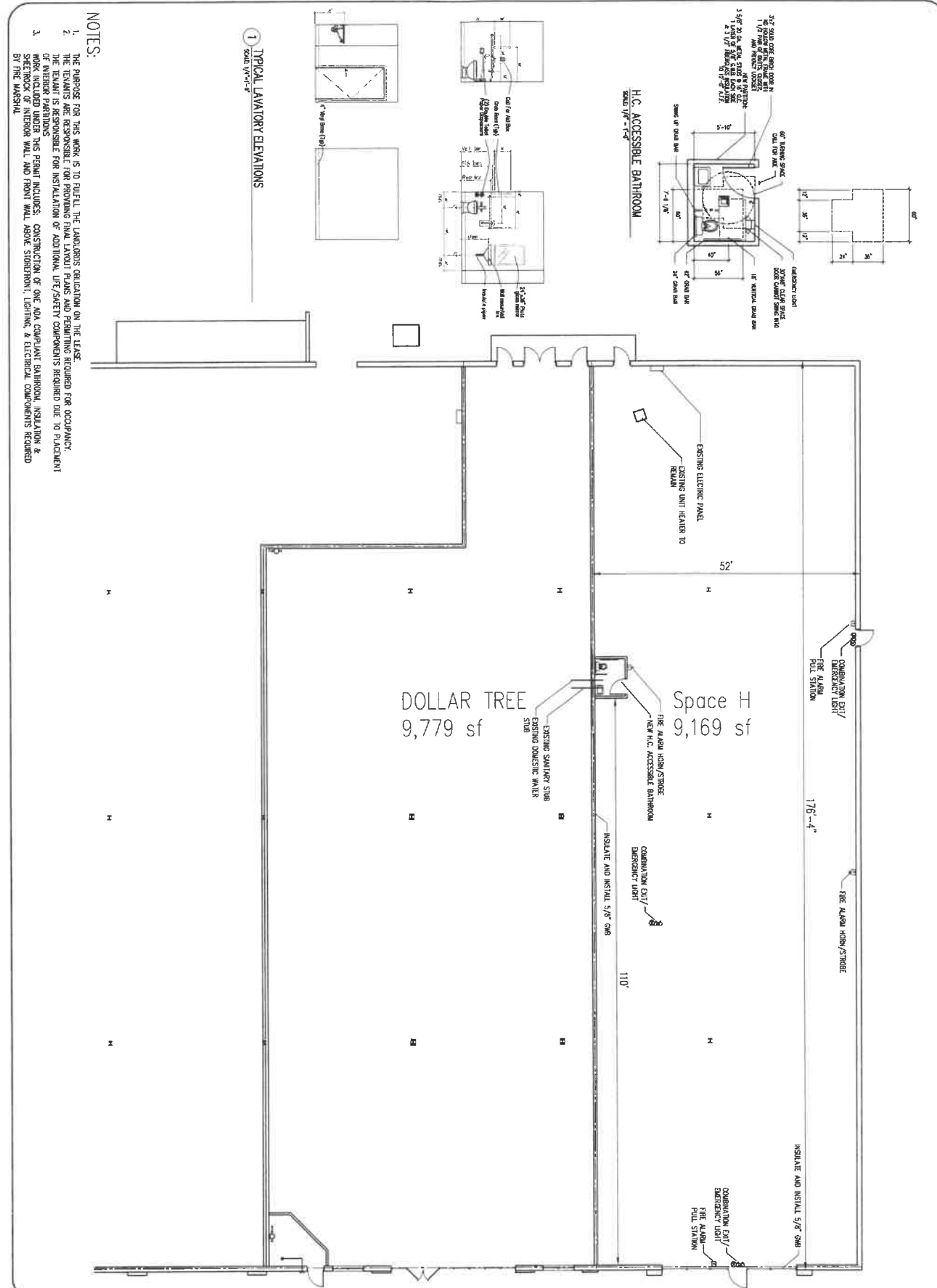
Sincerely,

MidPoint Engineering + Consulting, LLC



Patrick P. Doherty, PE, LEED AP
Principal

cc Michael O'Brien



A-1

LANDLORD
WORK SCOPE

DATE: SCALE:
REV: 21, 2017 1/8" = 1'-0"
REVISIONS:

GALAXY
DEVELOPMENT, LLC

225 SOUTH HERRICKS STREET
SUITE 100
DAYVILLE, MAINE 04901
(207) 753-0000
(207) 753-0000 FAX

DAYVILLE FOUR CORNERS SPACE H
730 HARTFORD PIKE
DAYVILLE, CT

November 2, 2016

Ann-Marie Aubrey
Director of Planning & Development
Town of Killingly, Connecticut
172 Main Street
Danielson, CT 06239

RE: Four Corners Plaza, Dayville, CT – Harbor Freight Tools

MidPoint Engineering + Consulting (MidPoint), has performed an analysis of parking requirements in support of re-tenanting a portion of the existing Four Corners Plaza building located at 730 Hartford Turnpike (Rte. 101) in Dayville, Connecticut. The existing building pre-dates current zoning regulations and thus does not contain a sufficient number of parking spaces to meet the calculated ratios in the regulations. Section 530 of the Zoning Regulations states that " If any existing use of land or structure is changed to a use requiring additional spaces to comply with this Section, such additional spaces shall be provided for the new use in accordance with the standards hereinafter specified."

This analysis has been performed based on the premise that the site will be in compliance with zoning regulations should the calculated number of spaces of the reconfigured building be less than or equal to the calculated number of spaces of the original configuration of the building.

The original building contained two uses which had areas dedicated to retail sales and storage. A large mezzanine for storage was located in the western portion of the building adding to the total square footage. A previous consultant of the Owner, Vanasse Hangen Brustlin, Inc. (VHB), calculated that the total required parking for the original configuration of the building was 382 spaces.

The configuration of space within the original building has changed and there are now six (6) demised spaces. Planet Fitness, Salvation Army, ALDI and Dollar Tree operate in four (4) of the demised spaces, two spaces are currently vacant.

Dayville Four Corners, LLC is seeking approval to allow Harbor Freight Tools retail store to occupy vacant Space E shown on Landlord Plan A-1 dated 2/8/16. Space H shown on this plan will remain vacant.

MidPoint Engineering + Consulting calculated the number of parking spaces required for the reconfigured building. The calculations considered the existing retail users, Harbor Freight Tools and assumed that the remaining vacant space will be occupied by a retail use tenant with 20 percent of the area dedicated non sales area.

The attached spreadsheet shows that the required number of parking spaces for the reconfigured building is 371 spaces. This total is less than the required parking of the original building which is 383 spaces. Occupancy of Space E by Harbor Freight Tools will therefore be

in compliance with the parking requirements of the Zoning Regulations. Additionally, future occupancy of the remaining vacant space within the building by retail tenants will be in compliance with the regulations.

If you have any question or require any additional information, please contact Patrick Doherty at (508) 721-1900 or via email at pdoherty@midpointengineering.com.

Sincerely,

MidPoint Engineering + Consulting

A handwritten signature in black ink, appearing to read "Patrick P. Doherty". The signature is stylized and written in a cursive-like font.

Patrick P. Doherty, PE, LEED AP
Principal



Ann-Marie Aubrey

From: Seeman, Evan J. <ESeeman@rc.com>
Sent: Thursday, August 4, 2022 1:54 PM
To: Ann-Marie Aubrey; Jonathan Blake
Cc: Schaut, Christopher
Subject: Application #22-1294 - Zone Text Change Application; BP District; Rosemary & Thomas Clarie et al.

Follow Up Flag: Follow up
Flag Status: Flagged

22-1294

Hi Ann-Marie and Jonathan:

On behalf of the applicants for Application # 22-1294 (BP District Zone Text Change Application), I am writing to request that the public hearing in this matter be continued to the September 19, 2022 meeting. The reason for continuation is due to vacation scheduling conflicts.

In addition, the applicants authorize 65 days of extension time in accordance with Section 8-7d of the General Statutes.

Best,
Evan

Evan J. Seeman (*he/him/his*)

Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103
Direct 860.275.8247 | Fax 860.275.8299
eseeman@rc.com | [Bio](#) | [V-Card](#)
Blog: www.RLUIPA-Defense.com

RECEIVED

AUG -4 2022

PLANNING & ZONING DEPT.
TOWN OF KILLINGLY

Robinson+Cole
Embracing Change for Over 175 Years

Boston | Hartford | New York | Providence | Miami | Stamford
Los Angeles | Wilmington | Philadelphia | Albany | www.rc.com

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PLANNING AND ZONING COMMISSION

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Regular Meeting – HYBRID MEETING
7:00 PM

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172 Main Street

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MINUTES

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RECEIVED
TOWN CLERK, KILLINGLY, CT
2022 JUL 25 PM 4:19
Elizabeth M. Wison

- I. **CALL TO ORDER** – Acting Chair, Virge Lorents, called the meeting to order at 7:01 p.m.
ROLL CALL – Michael Hewko, John Sarantopoulos, Matthew Wendorf, and Virge Lorents (all were present in person).
Keith Thurlow arrived at 8:18 p.m. (in person).
Brian Card was absent with notice.
Staff Present – Ann-Marie Aubrey, Director of Planning & Development; Jonathan Blake, Planner I/ZEO; Jill St. Clair, Director of Economic Development (all were present in person).
Also Present (in person) – Attorney Evan J. Seeman, Robinson & Cole; Keith Kumnick, Commercial Real Estate Broker with Colliers International; Todd Whittemore; Lorraine Whittemore; Jason Anderson; Town Council Liaison; J.S. Perreault, Recording Secretary.
Present via Webex: There was one person online.
- II. **SEATING OF ALTERNATES**
Virge Lorents announced that Michael Hewko would be seated as a Voting Member for this meeting.
- III. **AGENDA ADDENDUM** – None.
- IV. **CITIZENS' COMMENTS ON ITEMS NOT SUBJECT TO PUBLIC HEARING** (Individual presentations not to exceed 3 minutes; limited to an aggregate of 21 minutes unless otherwise indicated by a majority vote of the Commission)

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Ann-Marie Aubrey stated that no comments had been received on anything that is not subject to a public hearing.

There were no comments from the public either present or online.

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

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

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Virge Lorents read aloud the above information.

1) **Special Permit Ap # 22-1289** – Dayville Four Corners, LLC (Applicant/Owner); 730 (736) Hartford Turnpike, GIS MAP 115, LOT 6, General Commercial Zone, ~7.07 acres, request use of existing space in building for liquor, beer & wine sales, under TOK Zoning Regs under 420.2.1(a) with reference to 420.1.2(i). **CONT FROM 5/16/2022 & 6/20/2022.**

Ann-Marie Aubrey explained that she had received a call from the Applicant, earlier in the day, requesting a continuance of the public hearing to August 15, 2022, because he is still gathering information that had been requested by the Commission. The Applicant is aware that this is the last continuance that can be granted for this Application.

Motion was made by John Sarantopoulos to continue **Special Permit Ap # 22-1289** – Dayville Four Corners, LLC (Applicant/Owner); 730 (736) Hartford Turnpike, GIS MAP 115, LOT 6, General Commercial Zone, ~7.07 acres, request use of existing space in building for liquor, beer & wine sales, under TOK Zoning Regs under 420.2.1(a) with reference to 420.1.2(i). **(CONT FROM 5/16/2022 & 6/20/2022)**, to the next regularly scheduled meeting of the Planning and Zoning Commission to be held on Monday, August 15, 2022, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.

Second by Matthew Wendorf. No discussion.

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

2) Zone TEXT Change Ap# 22-1294 – Rosemary & Thomas C. Clarie et als; proposed text amendment to Sections 436.1; 436.2; 436.3; 436.4.2; 436.4.3; 436.6.1.b; 436.2.2; and 450 of the TOK Zoning Regulations regarding permitted uses and requirements of the Business Park District – making changes to the Intent, General Requirements, Special Permitted Uses; Interior Circulation; Landscaping and Screening; replace Exemptions with Concept Plan Optional; Concept Plan; and Dimensional Requirements.

Attorney Evan J. Seeman, Robinson & Cole, represented the Applicants: Rosemary & Thomas C. Clarie; Darcy R. & Joanne Clarie; and Sarah F. Clarie, Trustee. He introduced Keith Kumnick Realtor with Colliers International, who was also present.

Attorney Seeman gave a PowerPoint presentation and overview (hard copies were provided to Commission Members):

- This text amendment would affect only the Business Park Zoning Regulations.
- They had a pre-application meeting with Planning Staff and Jill St. Clair, Director of Economic Development.
- The purpose of this Application is to amend Section 436, pertaining to the Business Park District, to update what they believe to be outdated zoning regulations and to align the Business Park Regulations with current market conditions as well as the rest of the Town's Zoning Code.
- Attorney Seeman summarized the three primary features of the Application:

- To permit warehouse and distribution facilities as principal uses. They are currently allowed in the Business Park District as accessory uses to a principal research and data facility with certain restrictions that apply to them.
- To reduce setback requirements that apply to warehouse and distribution facilities. Currently, the setback for these types of facilities and parking is 750 feet from residential district boundaries or uses. They propose reducing it to 150 feet.
- Attorney Seeman explained that the requirement for a concept plan, intended to identify future uses for all of the land in the Business Park, is very difficult when the Applicant does not own all of the parcels, which is the case with this Applicant.
- A map of the Business Park District was displayed showing the three parcels owned by the Applicant: 308 Westcott Road; 310 Westcott Road; and 115 Mashentuck Road. The three parcels total just under 200 acres of property.
- Interstate 395 is to the west. To the north and east are properties in the Rural Development District. To the south, across Westcott Road are properties in the General Commercial District and the Rural Development District. To the west, across I-395, are properties in the General Commercial District and Low-Density District.
- Attorney Seeman spoke about the history of the Business Park which was created 22 years ago and was intended to spur economic development; however, it remains vacant/not developed. He feels that it was envisioned as a single campus development (like research and development or an office campus) because of the concept plan requirement.

Virge Lorents stated, for the record, that she was on the PZC at that time, and she does not recall there being a single discussion about it being a place for one entity.

Attorney Seeman explained that whether it was or was not intended to be a single campus-like development 22 years ago, the concept plan requirement is something that is one of the things that is keeping these properties being put to use since the Business Park Zone was created in 2000.

- Attorney Seeman explained that there are a number of commercial and industrial uses that are permitted in this District, but all uses in this District are only allowed by special permit. There are no uses that are allowed as of right uses. They are proposing that the warehouse and distribution would also be subject to the special permit process. He said that they do not have a development plan.
- Attorney Seeman spoke about the permitted uses in the Business Park District noting that warehouse and distribution centers are as accessory uses, with limits such as a 40,000 s.f. requirement for the accessory use which has to be part of a primary research and development facility, along with the 750-foot setback requirement. Regarding the setback, he explained that there are two provisions: one relates to the facility itself (warehouse and distribution); and another that relates to truck parking in connection with that facility. The setback applies to boundaries with residential properties or uses.
- A map was displayed which shows the impact of the 750-foot setback requirement, which, if applied, reduces the developable area of the eight parcels (which total 317 acres) by 220 acres (70 percent).
- The current Business Park Regulations have not worked: vacant properties; no applications in many years; restrictive setbacks; the uses are not reflective of current market conditions.

Keith Kumnick, who has over 30 years of experience in commercial real estate and is an ISOR with Industrial Designation, explained that he is familiar with the parcels in the Business Park and that several of the parcels are currently listed with his Firm (approximately 323 acres listed with multiple clients). They marketed the property from 2008 to 2016 when one of the major owners opted to take the property off the market due to the lack of activity. In 2021, due to increased demand, Mr. Kumnick spoke with all of the owners, and they decided to put the property back on the market. He explained the challenges they faced when marketing the property previously: significant size of the parcel; the setbacks; and the lack of immediate proximity of utilities to the site. All of these require significant investment from the developer. However, he said that the largest impediment to marketing was Zoning and permitted uses. He explained that the market had evolved from the original intent of the Zoning Regulations which are not conducive to the current demand. He explained that both uses, research & development and offices are not typically located along the I-395 Corridor. Pharma prefers to be clustered together in major metros (like Cambridge outside of Boston) or near research universities and hospitals (such as Yale New Haven). The general office market, pre-COVID, was trending toward larger companies returning to major urban markets and away from suburban markets. The office market is also weak due to the transition to remote working. Mr. Kumnick gave examples of major

companies who have closed office facilities in Connecticut. He explained that the growth in the market, in the active sector, has been Industrial, specifically warehouse and distribution. This is due, in part, to the shift in e-commerce and this trend is expected to continue. Larger warehouses and/or fulfillment centers are required. Supply chain issues also may be reshaping companies' distribution networks to eliminate bottlenecks and ensure adequate levels of inventory. He spoke of the financial benefits as well as other benefits to the Town through development of the Business Park. He said that they have had a fair amount of interest in the properties for warehouse distribution since they re-listed them last year. Unfortunately, the potential interest does not align with the current permitted uses. Changing the Regulations would align with current market conditions and increase the potential for the land to be developed, similar to what the Town intended to do 22 years ago when the Zone was created.

QUESTIONS/COMMENTS FROM COMMISSION MEMBERS/STAFF:

- Matthew Wendorf commented that a new office complex went up in Smithfield, RI within the last five years and another one going up in Johnston, RI (Routes 101 and 6).
Attorney Seeman stated that this change would not remove the office use.
- John Sarantopoulos commented that it is important to understand the history of that site and he spoke of when Walmart was looking at that site. He explained that he feels that the current Regulations came about to satisfy the needs of those who opposed Walmart coming into Town. He said that the State of Connecticut had designated that area as warehousing, probably because of the highway. He feels that if this area were developed, it would be the second industrial park that Killingly is looking for. He suggested allowing the existing Regulations to apply here as they do throughout the whole community.
Attorney Seeman explained that one reason why they had decided to propose the text amendment rather than re-zoning to Industrial or Light Industrial is because what they are proposing in reducing the 750-foot setbacks to 150 feet is going to be more restrictive than what currently exists in the other Zoning Districts. Mr. Sarantopoulos, again, explained that he feels that the existing Regulations should apply to that area as well as it does in other areas.
Ms. Aubrey asked, for clarification, if Mr. Sarantopoulos would want to go down to 75 feet or 50 feet. Mr. Sarantopoulos stated, "Whatever applies to other areas that are comparable, yes."

Mr. Sarantopoulos asked if this property entails all of the properties that were involved when Walmart tried to come into Town.

Attorney Seeman explained that this is a text amendment application and that it is not property specific. He said that it was a re-zone at that time, but he does not know the size of the parcels.

- Mr. Wendorf asked if the 750 feet is for truck traffic, not the structure itself.
Attorney Seeman stated that it is both.

Attorney Seeman continued with his presentation:

- They are also proposing various standards in connection with the warehouse distribution use. He explained that these standards are modeled after the standards which the PZC approved as part of the application in the GC Zone for the warehouse and distribution facility there. One significant difference is the proposed setback of 150 feet as opposed to the 50-foot setback.
- Attorney Seeman summarized the presentation and asked that the Application be approved.

ADDITIONAL QUESTIONS/COMMENTS FROM COMMISSION MEMBERS/STAFF:

- Michael Hewko asked for an explanation for changing language in Section 436.2 from "shall" to "may."
Attorney Seeman explained that it is to provide greater flexibility for the installation of utilities.
Mr. Hewko asked if that area has public water and sewer.
Jonathan Blake stated that they do not cross under I-395.
Attorney Seeman stated that public water and sewer is a requirement, and they are not proposing to change that.

Mr. Hewko asked for an explanation for changing language in Section 436.4.2 from "are to" to "may."

Attorney Seeman, again, explained that it is to provide flexibility and that if the Commission wants bicycle paths there, it could be a condition of approval for special permit.

Mr. Blake explained that “may” gives the Commission more leeway to require or not require.

Mr. Hewko asked for an explanation about language in Section 436.6.1.b about the concept plan being optional.

Attorney Seeman explained that right now, there is no concept plan for the Business Park Zoning District. They feel that it doesn't make sense to have to show all parcels, even those owned by other people, being developed or designated for some use. They feel those other owners should have a say in how they want to develop their property. They want to have it as optional because they saw it as a hurdle to development.

- Jill St. Clair commented about the Business Park type complexes in RI. They have the fiber infrastructure and CT is very far behind on that. She was on the phone today with DECD looking for a ten-year strategic plan. The #1 request from this community is fiber infrastructure along the I-395 Corridor. She stated agreement that the current Regulations have been a barrier for development of any sort.

COMMENTS FROM THE PUBLIC:

Todd Whittemore stated that he and his wife, Lorraine (also present in the audience), have lived in Town since 2008 and are familiar with the past stories regarding Walmart. He submitted a letter to Ms. Aubrey from his neighbor, Mark Tillinghast (copies were provided to Commission Members). Mr. Whittemore stated that he is representing the residences across the highway from the property. He summarized the concerns: lighting; truck traffic/jake brakes/noise pollution; setbacks; quality of life issue; they don't want a Walmart distribution center across from them. This property could be used for reasonable uses.

Mr. Sarantopoulos stated that the State of Connecticut would seriously consider putting up a barrier there to protect the surrounding areas. Mr. Whittemore stated that they would welcome that. Ms. Lorents suggested that Mr. Whittemore call the State Senator.

Anthony Pellecchia, who owns several of the smaller properties in the Business Park Zone (abutting Westcott Road and I-395), said that he came to get an understanding of the text amendment. He stated that, for the most part, he is favor of the proposal, but he was unclear on some of the specifics. He said that he had spoken with Mr. Kumnick earlier and that most of his questions were answered during the public hearing.

Ms. Lorents asked Mr. Pellecchia if he had an issue with any of the proposed language.

Mr. Pellecchia explained that he was curious about the wording regarding roadways because his parcels had been part of a proposed entryway, so he was curious as to how it would affect his portion of the Business Park which is a little vague regarding requirements for the roadway.

Ms. Lorents asked Town Staff for clarification.

Mr. Wendorf commented that this public hearing will probably be continued and that they could have an explanation of how it would affect Mr. Pellecchia's properties.

Kevin Olsen, Markover Hunting Preserve which abuts the north and east of the property, stated that he would like the 750-foot setback kept in place. He feels that it is important to the abutters on all sides as it is a very important contributing factor to the quality of life in that area.

Ms. Lorents asked if any zone has a 750-foot setback.

Mr. Blake explained that this is the biggest setback and only in this zone.

There was one call-in user online, but they did not offer any public comment.

Motion was made by John Sarantopoulos to continue **Zone TEXT Change Ap# 22-1294** – Rosemary & Thomas C. Clarie et als; proposed text amendment to Sections 436.1; 436.2; 436.3; 436.4.2; 436.4.3; 436.6.1.b; 436.2.2; and 450 of the TOK Zoning Regulations regarding permitted uses and requirements of the Business Park District – making changes to the Intent, General Requirements, Special Permitted Uses; Interior Circulation; Landscaping and Screening; replace Exemptions with Concept Plan

Optional; Concept Plan; and Dimensional Requirements, to the next regularly scheduled meeting of the Planning and Zoning Commission to be held on Monday, August 15, 2022, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.
Second by Michael Hewko. No discussion.

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

Ms. Aubrey asked the Commission if there is any direction for Staff. Mr. Hewko stated that he would like to read the letter from Mark Tillinghast. Ms. Lorents suggested that Legal Counsel be consulted regarding the setback.

3) Ap# 22-1295 Public Hearing – Accessory Dwelling Units State Statute – Per the State Statute, the PZC must conduct a public hearing to review, discuss, and act upon opting-out of the State’s Accessory Dwelling Unit Statute.

A comparison chart of the CT State Statute Section 8.2o regarding accessory apartments vs. Section 566, Secondary Dwelling Unit, of the Town’s Zoning Regulations was displayed.

Ann-Marie Aubrey gave an overview:

- CT State Statute Section 8.2o became effective on January 1, 2022. The Statute is also known as Public Act 21-29, Section 6.
- The Statute allows municipalities to opt out of the Statute if procedure is followed.
- Legal Notice was posted in the Town Clerk’s Office on June 27, 2022.
- Legal Notice was published in the Norwich Bulletin on Tuesday, July 5, 2022, and on Monday, July 11, 2022.
- Ms. Aubrey read aloud from State Statute Section 8.2o.1 and explained the following:
 - 1) The Town of Killingly does allow, by right, secondary dwelling units in the Rural Development, Low Density Medium Density Zones and Residential Medium Density Zone in the Borough.
 - 2) We request only a zoning permit for interior and attached secondary dwelling units (SDU’s) and only a site plan for detached SDU’s.
 - 3) We do not any SDU’s to meet the requirements of affordable housing.
 - 4) We allow interior attached and detached SDU’s and we require that they be on the same lot as the primary residence.
 - 5) We allow for up to 1,000 s.f. gross floor area for interior attached and detached SDU’s. We do not go with the 30 percent net floor area as our Regulations allow for flexibility.
 - 6) The Town of Killingly Regulations refer to the minimum lot area setback requirements for the zone in which the property is located, so there is no additional burden on the accessory dwelling unit.
 - 7) The Town of Killingly Regulations refer to the Regulations of the zone in which the SDU is being built. We do not put any additional restrictions or requirements on the SDU.
 - 8) We do not require a passageway between any such accessory apartment and any such principal dwelling.
 - 9) Our exterior doors are as required under the Building and Fire Codes, and we do not require anything additional.
 - 10) Regarding parking, we refer to Section 530, Off-Street Parking, of the Town Zoning Regulations.
 - 11) We do not require familial, marital or employment relationship between occupants of the principal dwelling and accessory apartment.
 - 12) We do not require a minimum age.
 - 13) Regarding billing of utilities, we leave it up to the owner or developer of the property.
 - 14) We don’t require periodic renewals of permits for accessory apartments. It is a right, no time limit.
 - 15) We require that all Fire and Building Codes are met.
 - 16) Regarding short term rentals, it is up to the owner.
 - 17) The Town does not regulate the use of a private wells or septic systems. That is governed by NDDH.
 - 18) Regarding State Statute 8.2o,.7.d, we require only a zoning permit and under State Statute the decision must be rendered within 30 days and site plan review has to be within 65 days.

Ms. Lorents asked if there are any conflicts between the Town’s Regulation and the State Statute. Ms. Aubrey referred to a possible draft motion that Staff had prepared, and she read aloud from it as follows:

- 1) That the Town of Killingly enacted their own Zoning Regulations regarding Accessory Dwelling Units in 2015, amended 2017 and 2018 prior to the State enacting the above public law / state statute, and
- 2) That the Planning and Zoning Commission most recently approved amendments to said Town of Killingly Zoning Regulations on July 16, 2018, which became effective on August 13, 2018;
- 3) That the Town of Killingly's current regulations (08/13/2018) meet, and/or exceed the State Statute regarding said Accessory Dwelling Units (TOK refers to them as Secondary Dwelling Units);
- 4) That the Town of Killingly's current regulations appear to be working well for our community; and
- 5) That opting-out of the above referenced Statute will allow the municipality to maintain control over the requirements of accessory/secondary dwelling units in a manner that best suits the municipality.

Keith Thurlow arrived at 8:18 p.m.

Ms. Aubrey stated that Staff suggests that the Commission opt out and that we were one of the examples of how it could work.

QUESTIONS/COMMENTS FROM COMMISSION MEMBERS:

- Matthew Wendorf questioned flat square footage vs. percentage.
Ms. Aubrey explained that you have to stay within the Building Code, you can go down or you can go up to 1,000 s.f.
Mr. Blake explained that lot coverage standards still need to be met.
- Keith Thurlow stated that he thinks it works very well, but he would like to see two bedrooms.
Ms. Aubrey explained that we allow two bedrooms in the detached. There was discussion regarding septic requirements for the number of bedrooms.
Mr. Blake explained that one bedroom is allowed for the interior or the attached and two bedrooms are allowed for the detached. If you want to add more bedrooms and it is attached or you want to go above the 1,000 s.f., in most cases, you can make a duplex.

There were no comments from the public.

Motion was made by John Sarantopoulos to close the public hearing for **Ap# 22-1295 Public Hearing – Accessory Dwelling Units State Statute** – Per the State Statute, the PZC must conduct a public hearing to review, discuss, and act upon opting-out of the State's Accessory Dwelling Unit Statute.

Second by Michael Hewko. No discussion.

Motion carried by voice vote (4-0-1). Keith Thurlow abstained because he was not present for the entire discussion.

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

1) **Special Permit Ap # 22-1289** – Dayville Four Corners, LLC (Applicant/Owner); 730 (736) Hartford Turnpike, GIS MAP 115, LOT 6, General Commercial Zone, ~7.07 acres, request use of existing space in building for liquor, beer & wine sales, under TOK Zoning Regs under 420.2.1(a) with reference to 420.1.2(i). **CONT FROM 5/16/2022 & 6/20/2022.** – This Application was continued to August 15, 2022.

2) **Zone TEXT Change Ap# 22-1294** – Rosemary & Thomas C. Clarie et als; proposed text amendment to Sections 436.1; 436.2; 436.3; 436.4.2; 436.4.3; 436.6.1.b; 436.2.2; and 450 of the TOK Zoning Regulations regarding permitted uses and requirements of the Business Park District – making changes to the Intent, General Requirements, Special Permitted Uses; Interior Circulation; Landscaping and Screening; replace Exemptions with Concept Plan Optional; Concept Plan; and Dimensional Requirements. – This Application was continued to August 15, 2022.

3) **Ap# 22-1295 Public Hearing – Accessory Dwelling Units State Statute** – Per the State Statute, the PZC must conduct a public hearing to review, discuss, and act upon opting-out of the State's Accessory Dwelling Unit Statute.

Motion was made by John Sarantopoulos:

WHEREAS, on Monday, July 18, 2022, the Town of Killingly Planning and Zoning Commission held a public hearing to review, discuss, and act upon opting-out of the State of Connecticut's Statute regarding Accessory Dwelling Units (CT General Statute Section 8-2o {f/k/a Public Act 21-29 Section 6} said state statute (public law) became effective January 1, 2022;

WHEREAS, the Planning and Zoning Commission made the following findings;

- 1) That the Town of Killingly enacted their own Zoning Regulations regarding Accessory Dwelling Units in 2015, amended 2017 and 2018 prior to the State enacting the above public law / state statute, and
- 2) That the Planning and Zoning Commission most recently approved amendments to said Town of Killingly Zoning Regulations on July 16, 2018, which became effective on August 13, 2018;
- 3) That the Town of Killingly's current regulations (08/13/2018) meet, and/or exceed the State Statute regarding said Accessory Dwelling Units (TOK refers to them as Secondary Dwelling Units);
- 4) That the Town of Killingly's current regulations appear to be working well for our community; and
- 5) That opting-out of the above referenced Statute will allow the municipality to maintain control over the requirements of accessory/secondary dwelling units in a manner that best suits the municipality.

THEREFORE, I, John Sarantopoulos, a member of the Planning and Zoning Commission of the Town of Killingly make the motion that the Town of Killingly hereby opt-out of the State of Connecticut's Statute Section 8-2o (entitled Zoning regulations re accessory apartments. Municipal opt-out; exception) as outlined in in Section 8-2o(f); and that a copy of this motion be forwarded to the Town Council for them to complete the opt-out process as outlined in the section mentioned above, prior to January 1, 2023.

Second by Matthew Wendorf. No discussion.

Motion carried unanimously by voice vote (5-0-0).

VIII. NEW BUSINESS – (review/discussion/action)
NONE

IX. ADOPTION OF MINUTES – (review/discussion/action)
1) Regular Meeting Minutes – JUNE 20, 2022

Motion was made by Keith Thurlow to adopt the Minutes of the Regular Meeting of June 20, 2022, as presented.

Second by Michael Hewko. No discussion.

Motion carried unanimously by voice vote (4-0-1). Matthew Wendorf abstained as he was not present at that meeting.

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

- 1) Five Mile River Overlay District – Staff report and recommendations to the Commission.

Ms. Aubrey explained that the Commission had asked Staff to review the Overlay District and the Regulations that apply to it. She read aloud the comments provided in the Staff Report and Recommendations to the Commission (included in packets to Commission Members). Discussion ensued.

Ms. Lorents commented that the Five Mile River is under the same protections as every other stream/river and if the regulations are already there, what was the point of the Overlay District.

Mr. Sarantopoulos feels that it is duplication and IWWC should handle it.

Ms. Aubrey and Mr. Blake explained that it is very difficult for Staff to enforce the Five Mile River Overlay District (FMROD) especially regarding subdivisions within the District. Clear cutting has been an issue of difficulty for Staff.

Ms. Blake explained the map which was displayed. He stated that they could not find, in the record, why the particular area was designated as the FMROD vs. anywhere else.

Ms. Aubrey suggested that some language under the FMROD could be added to special permit or site plan, and it would be a reminder to the Commission that this map should be brought up when things are being developed. She stated that there are some valid concerns and she suggested that Staff could go through and determine what could go to special permit, what could go to site plan and what could go to subdivision. Then the Commission could have a workshop to review it.

Ms. Lorents asked, since the Overlay was in place, how much development did or did not happen in that area.

Mr. Blake explained that the natural diversity area, for the most part in that area, is centered around trout, so it is mainly within the River and there is not much development on top of the River (IWWC controlled that). He is not sure if there has been any measurable impact. He is not aware of any violations in terms of contaminants. He referred to Moosup Pond which has had issues with invasive species and nitrogen levels due to fertilizers. This is the focus of the IWWC and it is part of considerations of the PZC. Mr. Blake explained that he does not see a hole in the review process without the FMROD. He explained that there are areas in the FMROD that are greater than the 200 feet from the River which are out of the scope of the IWWC's 200-foot review area. However, the CT DEEP has a process for critical habitat/natural diversity, and we are supposed to point them regarding those areas outside of the 200 feet.

Motion was made by Keith Thurlow to schedule a public hearing to eliminate the Five Mile River Overlay Zone for the regularly scheduled meeting of the Planning and Zoning Commission to be held on Monday, October 17, 2022, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.

Second by John Sarantopoulos.

Discussion: Ms. Aubrey asked if the Commission wants Staff to look at it to see if the concerns apply throughout the Town and put them in appropriate places.

Mr. Wendorf expressed that he would want to be sure that everything is covered by something.

Mr. Blake explained about prohibited uses, such as Golf Course, and how, if the Overlay were removed, someone could apply for it.

Mr. Wendorf asked if there is something in this Overlay District that is prohibited, but would be permitted without this Overlay. The applicant would have to meet all of the criteria, go before the IWWC and the CT DEEP possibly may be involved.

Discussion continued regarding subdivisions and cutting of trees.

Motion carried unanimously by voice vote (5-0-0).

XI. CORRESPONDENCE
NONE

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

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

B. Inland Wetlands and Watercourses Agent's Report

Mr. Blake commented that the IWWC is currently under quorum and are in need of new members. There was discussion.

C. Building Office Report – No Report.

XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT

Jill St. Clair gave an update on the discussions/activities/undertakings regarding Economic Development.

XIV. TOWN COUNCIL LIAISON REPORT

Jason Anderson reported on the recent discussions/actions of the Town Council.

XV. ADJOURNMENT

Motion was made by Matthew Wendorf to adjourn at 9:06 p.m.

Second by Keith Thurlow. No discussion.

Motion carried unanimously by voice vote (5-0-0).

Respectfully submitted,
J.S. Perreault
Recording Secretary

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

1) **Plant Permit Renewal – Ap #19-1227** – Ernest Joly & Sons, Inc.; 32 Beatrice Avenue; GIS MAP 262, LOT 15 & 16 (GPS Address: 583 Wauregan Road); ~175acres, GC Zone; to continue a gravel operation which includes crushing, the operation was established in 1955 as a sand and gravel operation. **Requesting another three (3) year extension.**

APPLICANT(S): Ernest Joly & Sons, Inc.
LANDOWNER(S): Same
SUBJECT PROPERTY: 32 Beatrice Avenue a/k/a 583 Wauregan Road (GPS)
REQUEST: To continue a gravel crushing operation, which was established in 1955.
Applicant anticipates operating for another 6-12 years.

STAFF COMMENTS

- 1) Expiration of the current permit will occur on October 21, 2022.
- 2) A 3-year extension will bring the expiration date to October 21, 2025.
- 3) Applicant would need to submit their next request on or before August 1, 2025.

PZC AUG. 15, 2022

ERNEST JOLY & SONS, INC.

#19-1227

32 Beatrice Avenue
Danielson, CT 06239
860-774-3755 or 860-774-6877
Fax: 860-774-7466

July 19, 2022

RECEIVED

JUL 21 2022

PLANNING & ZONING DEPT.
TOWN OF KILLINGLY

Town of Killingly
Planning & Zoning Commission
172 Main Street
Danielson, CT 06239

PLANT PERMIT RENEWAL

1. Description of premises:

32 Beatrice Ave. (Tax map number 4410, blocks 4413, lots 220-221-1C). GC

2. Notice of variance:

To continue a gravel crushing operation.

3. Name of owner of record:

Ernest Joly & Sons, Inc.
32 Beatrice Avenue
Danielson, CT 06239

Sand and gravel operation established in 1955.

Location:

End of Beatrice Avenue, West of Route 12, approximately 3 miles South of Danielson center. The GPS address is 583 Wauregan Road, Danielson.

Site:

Contains approximately 175 acres of land to be worked, includes sections 220, 221 and 1C.

The site plan is on file.

Material manufactured:

Washed sand and crushed stone

Permits held:

NPDES CT 0002135 – Water discharge
CT DEEP 080-0042 – Air Pollution

Truck Size and Number of Daily Trips:

Trucks range in size from pickups to trailer-dumps carrying up to 25 cubic yards.
Average number of trips per day is 60.

Estimation of amount of material to be moved, rate of moving and length of total expected operation:

Approximately 900 cubic yards of material are moved daily, five days per week for approximately 40 weeks per year. This would be approximately 180,000 cubic yards moved yearly and we anticipate operating for another 6-12 years.

List of Abutting Property Owners:


On file

Site Drainage:

All drainage is on site and monitored by State of Connecticut Department of Environmental & Energy Protection.

We are also hauling material from off-site locations. This is not done on an everyday basis, but when we have trucks available.

Respectfully Submitted,



Robert Joly, Jr.
President

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

2) **Subdivision – AP#13-1064** of The Building America Companies, LLC (transferred and assigned to Tri-Lakes, LLC) for Phase 1 – 31 Lots -single family cluster development; 520 Bailey Hill Road; May 143, Lot 6; Rural Development Zone; Phase ~ 150 acres; total parcel ~645 acres. **Current approval expires in November 2023; and applicant is requesting an extension for an additional four (4) years until November 2027 – as allowed under CT General Statute §8-3k.**

APPLICANT(S): Building America / Tri-Lakes, LLC
LANDOWNER(S): Same
SUBJECT PROPERTY: 520 Bailey Hill Road
REQUEST: Applicant is requesting an extension for an additional four (4) years until November 2027.

STAFF COMMENTS

- 1) Expiration of the current subdivision will occur on November 18, 2023.
- 2) A 3-year extension will bring the expiration date to November 18, 2024.
- 3) Applicant would need to submit their next request on or before September 1, 2024.

- 4) Suggest that all conditions of the prior approval letter dated February 7, 2014 are referenced and incorporated in your extension.
- 5) That the issue of bonding be resolved prior to any construction being started. Applicant must contact staff of the Engineering and Planning and Development Department to determine the necessary amount of bonding that will be required once construction begins.

KILLIAN & DONOHUE, LLC

ATTORNEYS AT LAW

363 MAIN STREET

HARTFORD, CONNECTICUT 06106-1846

TELEPHONE (860) 560-1977

FACSIMILE (860) 249-6638

TJ Donohue, Jr. – *Of Counsel*
Ext. 103
tj@kdjlaw.com

PZC MEETING
AUG. 15, 2022
#13-1064

August 5, 2022

Via Email and First-Class Mail

Ms. Ann-Marie L. Aubrey
Director of Planning & Development
Town of Killingly
172 Main Street
Danielson CT 06239

RE: Request for Extension of Time of All Land Use Approvals, including subdivision approvals, IWWC permits and the Phasing Plan for Subdivision #13-1064 of The Building America Companies, LLC (transferred and assigned to Tri-Lakes, LLC) **for Phase 1 – 31 lots – single family cluster development**; 520 Bailey Hill Road; Map 143 – lot 6; Rural Development Zone; Phase 1 - 150± acres; Total Parcel 645± acres

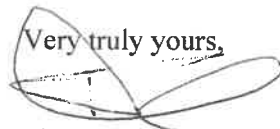
Dear Ms. Aubrey,

This letter is to respectfully request that the above-captioned Subdivision Approval(s) be extended to provide for the construction and development of the first section (infrastructure) of Avalon Subdivision to be further extended as allowed in accordance with C.G.S. §8-3K for an additional four (4) years from 2023 until 2027.

We continue to evaluate the market for favorable conditions to proceed with this plan.

We are appreciative of your attention to this request and wish to be advised if you need anything further from this office.

Thank you.

Very truly yours,

Thomas J. Donohue, Jr.

TJD/dr

RECEIVED

AUG - 8 2022

PLANNING & ZONING DEPT.
TOWN OF KILLINGLY

Ann-Marie Aubrey

From: nthibeault <nthibeault@killinglyea.com>
Sent: Thursday, August 11, 2022 5:03 PM
To: Ann-Marie Aubrey
Subject: American Storage - Westcott road

#22-1286

Good afternoon, Ann-Marie – Due to a delay in receiving approval from the CTDOT for the subject project, we request a 60-day an extension for filing the mylars and special permit.

Please feel free to contact me if there are any questions.

Thank you - Norm

Normand Thibeault, Jr., P.E.

Killingly Engineering Associates
Civil Engineering & Surveying



Office: 860-779-7299

Cell: 860-315-0824

RECEIVED

AUG 11 2022

PLANNING & ZONING DEPT.
TOWN OF KILLINGLY

**RESOLUTION OPTING OUT OF THE STATE OF
CONNECTICUT STATUTE SECTION 8-20 REGARDING
ZONING FOR ACCESSORY APARTMENTS.**

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that the Town of Killingly hereby opts out of the State of Connecticut's Statute Section 8-20 (entitled Zoning Regulations re Accessory Apartments – Municipal Opt-Out; exception) as outlined in Section 8-20(f).

KILLINGLY TOWN COUNCIL

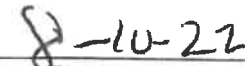


Jason Anderson
Chairman

Dated at Killingly, Connecticut
this 9th day of August 2022

Attest: I, Elizabeth Wilson, Town Clerk of the Town of Killingly, do hereby certify that the above is a true and correct copy of a resolution adopted by the Killingly Town Council at its duly called and held meeting on August 9, 2022, at which a quorum was present and acting throughout, and that the resolution has not been modified, rescinded, or revoked and is at present in full force and effect. I further certify that Mary T. Calorio now holds the office of Town Manager and that she has held that office since March 11, 2019.


Elizabeth Wilson, Town Clerk


Date

(Seal)