



TOWN OF KILLINGLY, CT
PLANNING AND ZONING COMMISSION

RECEIVED
TOWN CLERK, KILLINGLY, CT
2022 SEP 16 AM 9:40

MONDAY – SEPTEMBER 19, 2022

Elizabeth M. Wilson

**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 929 2268 when prompted.

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

NOTE: PUBLIC HEARING 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 Hearing comments received will be posted on the Town's website www.killinglyct.gov.

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 2633 929 2268 when prompted

1) 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**

2) 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.

Hearings' segment closes.

Meeting Business will continue.

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

1) 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**

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

1) Zone MAP Change Ap #22-1297 – Sangasy, Thavone (Applicant/Owner), Seng, Chahn (Owner); 7 Valley Road, GIS MAP 130, LOT 29, ~0.5 acres – request to change from General Commercial Zone to Low Density Residential Zone under Article IX of the T.O.K. Zoning Regulations. **Receive application, and schedule for public hearing, suggested hearing date of October 17, 2022.**

(* Applications submitted prior to 5:00 PM on MONDAY, SEPTEMBER 12, 2022 - will be on the agenda as New Business, with a “date of receipt” of MONDAY, SEPTEMBER 19, 2022, and may be scheduled for action during the next regularly scheduled meeting of **MONDAY, OCTOBER 17, 2022.**
(* Applications submitted by 11:30 AM on FRIDAY, SEPTEMBER 16, 2022, will be received by the Commission (“date of receipt”) on MONDAY, SEPTEMBER 19, 2022. However, these applications may not be scheduled for action on MONDAY, OCTOBER 17, 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 – AUGUST 15, 2022.

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

1) 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 second extension to file the mylars and the approval letter, due to delays in receiving approval from CT DOT.**

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

XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT

XIV. TOWN COUNCIL LIAISON REPORT

XV. ADJOURNMENT

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

1) 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.

| | |
|--------------------------|--|
| APPLICANT(S): | Rosemary & Thomas C Clarie; Darcy R. & Joanne Clarie; and Sarah F. Clarke, Trustee |
| LANDOWNER(S): | Same |
| SUBJECT PROPERTY: | D/N/A |
| ASSESSOR’S INFO: | D/N/A |
| ACREAGE AMOUNT: | D/N/A |
| ZONING DISTRICT: | Business Park District |
| REQUEST: | 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 |
| REGULATIONS: | ARTICLE IX – Section 900 |

Documents Attached as of 09/19/2022

- 1) Response to letter of Mark Tillinghast, Chair of EDC
- 2) Zone TEXT Change Slide Presentation Dated Sept. 19, 2022

Prior Submitted Documents

- 1) Letter dated June 1, 2022, from Attorney Evan J. Seeman
- 2) Completed Application and fee paid in full
- 3) Application Narrative
- 4) Proposed changes to Intent; General Requirements; Special Permitted Uses; Interior Circulation; Landscaping and Screening; Concept Plan Optional; Concept Plan; Dimensional Requirements
- 5) Letters of Authorization from Rosemary & Thomas C. Clarie; Darcy R. & Joanne Clarie; and Sarah F. Clarke, Trustee
- 6) Slide Presentation dated July 18, 2022

Legal Notices

- 1) Legal Notice of continuation was published in Town Clerk’s Office on September 1, 2022
- 2) Legal Notice of continuation was published in the Norwich Bulletin on 09/06/2022 & 09/12/2022

Legal Notices

- 1) Courtesy Notice was sent to NECCOG via email.
- 2) Memorandum of proposed zone text change posted in Town Clerk’s Office on July 1, 2022
- 3) Legal Notice posted in Town Clerk’s Office on June 27, 2022
- 4) Legal Notice published in Norwich Bulletin on Tuesday, July 5, 2022 & Monday, July 11, 2022

STAFF COMMENTS AND SUGGESTIONS

- 1) Staff met with the representative of the applicants to discuss their application, staff requested some changes
- 2) Staff suggests that the commission members read the application thoroughly as it is quite complete
- 3) Staff suggests the commission members listen to the testimony given at the hearing
- 4) Staff suggests the commission members review the current Business Park Regulations and compare the requested changes to the current wording

5) Staff suggest the commission members, when making their decision state their reasons for said decision

If the commission does approve the requested TEXT changes, then the commission must set an effective date.
Staff would recommend Monday, ~~August 15, 2022, at 12:01 am.~~ October 17, 2022.

EVAN J. SEEMAN

280 Trumbull Street
Hartford, CT 06103-3597
Main (860) 275-8200
Fax (860) 275-8299
eseeman@rc.com
Direct (860) 275-8247

VIA ELECTRONIC MAIL

September 12, 2022

Town of Killingly Planning & Zoning Commission
Keith Thurlow, Chair
Killingly Town Hall
172 Main Street
Killingly, CT 06239

RECEIVED

SEP 12 2022

PLANNING & ZONING DEPT.
TOWN OF KILLINGLY

**Re: Application No. 22-1294 – Zoning Text Amendment
Response to letter of Mark Tillinghast, Chair of the Economic Development
Commission**

Dear Chair Thurlow and Members of the Commission:

Our firm represents Rosemary and Thomas C. Clarie, Darcy R. and Joanne Clarie, and Sarah F. Clarke, Trustee (“Clarie Family” or “Applicant”), who have submitted the pending text amendment application (“Application”) regarding the Town’s Business Park District (“BP District”). This letter responds to the comments of Mark Tillinghast, 79 Peckham Lane, in his undated letter. Mr. Tillinghast “believes there are some good aspects ... to the proposed set of text changes.” However, he does not explain these good aspects and instead raises certain concerns that he has. Mr. Tillinghast’s comments are shown below in *italics*. The Applicants’ responses follow in **bold** text.

Comment: The Business Park District related application has not been brought before EDC for that commission’s input at all that I am aware of.¹

Response: The Applicant discussed whether to go to the EDC with staff. It was determined that the Applicant would not make a presentation to the EDC, so the Applicant did not do so. EDC review is not required by State statute or Town regulation. Nevertheless, the EDC was informed of this pending application at its July 5, 2022 meeting. The meeting minutes indicate that there were no questions or comments from members of the EDC regarding this application. The meeting

¹ Mr. Tillinghast is Chair of the Economic Development Commission but he submitted his letter as a private citizen.

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Town of Killingly Planning & Zoning Commission
September 12, 2022
Page 2

minutes also indicate that Mr. Tillinghast was present at the July 5, 2022 EDC meeting.

Comment: Yes, some things have changed, but one of the things that hasn't changed is that the vast majority of citizens of Killingly live nearby, and as with any potential future development, please keep most intensive possible uses in mind both on-site in the form of noise, air, water, and light pollution and ancillary such as vehicle especially truck traffic off-site.

Response: The Applicant's proposed text changes are intended to provide the Commission with flexibility to evaluate a site-specific development proposal. A warehouse and distribution use would be subject to the Commission's discretionary special permit review. If there are any concerns regarding a site-specific development, such concerns will be appropriately addressed by the Commission in the context of a special permit application. The Commission has broad authority to issue conditions of approval and require changes to a proposed special permit use.

Section 740 of the Town's Zoning Regulations provides: "In granting any special permit the Commission shall attach such additional conditions and safeguards as are deemed necessary to protect the neighborhood, such as but not limited to the following:"

- **Requirements of setbacks greater than the minimum required by these Regulations.**
- **Requirement of screening of parking areas or other parts of the premises from adjoining premises or from the street, by walls, fences, plantings or other devices as specified by the Commission.**
- **Modification of the exterior features or appearance of any structure where necessary to be in harmony with the surrounding area.**
- **Limitation of size, number of occupants, methods or time of operation, or extent of facilities.**
- **Regulation of number, design, and location of access drives or other traffic features including pedestrian ways.**

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Town of Killingly Planning & Zoning Commission
September 12, 2022
Page 3

- Requirement of off-street parking or other special features beyond the minimum required by these Regulations or other applicable codes or regulations.
- Regulation of the number, type and location of outdoor lighting facilities.

Comment: There are residences for example located at lower elevations to the current Business Park District zone area, so just one example of holes I see in the proposed text changes is where the application talks about lighting being shielded downward. Downward could on an elevated site be downward into someone else's back yard.

Response: The Applicant's proposed text changes state that "all outdoor lighting shall be night sky compliant." See Proposed Section 436.3.i.3. This will ensure that there is not any off-site light spillage in connection with a proposed use. The Applicant does not propose that lighting be shielded downward.

It appears that Mr. Tillinghast's concerns are about a provision which already exists in the BP District Regulations. See Section 436.4.2.a (sidewalks and bicycle/pedestrian path lighting "shall be shielded or diffused so as to reflect light away from abutting traffic and to prevent skyward glare.").

As noted above, if a special permit application is submitted and there is a concern with lighting – the Commission has broad authority to issue conditions of approval to alleviate such concerns.

Comment: Setbacks, location of parking of trucks relative to those who would otherwise be negatively effected, and other aspects of the current text of the Business Park District are there for a reason and in most cases the text is there for good and still valid reason.

Response: The BP District Regulations have not worked. The more than 300 acres of land in the BP District have remained vacant for more than 20 years. The Town's Plan of Conservation and Development (POCD) specifically calls out the BP District land for development. The POCD states that "Developable land is available at 3 interchanges

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Town of Killingly Planning & Zoning Commission
September 12, 2022
Page 4

along I-395, notably ... the Business Park District at Exit 38.” (Page 17/78 of POCD; Section 3.2, Economics). The POCD also provides that I-395 “has become an important asset for Killingly, as now the town is connected by an interstate north and northeast to Worcester and Boston, and south and southwest to New Haven and New York. *Killingly as a crossroads community, could now capitalize on the growing use of trucks to transport goods.*” (Page 6/78 of POCD; Section 2, Killingly in Perspective).

The current BP District Regulations must be changed for BP District properties to be developed. The Applicant has proposed reducing the existing 750 ft. setbacks for warehouse and distribution centers and associated parking to 150 ft. The 150 ft. setbacks would still be at least 3-times greater than similar setbacks in other zoning districts.² Finally, the Commission would still have authority to increase setbacks as a condition of approval for a site-specific development proposal.

Comment: *Please note that it became apparent in the past how little Planning and Zoning Commission legally has the ability to control over the potentially large and real negative impacts of off-site activities directly related to the use of a particular site.*

Response: **Contrary to Mr. Tillinghast’s belief, the Commission has broad authority to protect public health and safety through the discretionary special permit review process. As noted above, the Commission can impose conditions of approval to protect public**

² In the General Commercial District, distribution centers are permitted subject to a 50-foot front, 25-foot side and 30-foot rear setback, even where such a use is adjacent to a residential district or use. In the Light Industrial (“LI”) District, the storage of goods and wholesaling is permitted subject to a 40-ft. front yard setback, 25-foot side yard setback, and 30-foot rear yard setback. (Table A). Further, when a light industrial site adjoins a residential district, a buffer strip of only 25-feet is required. (§ 430.2.5). In the Industrial (“I”) District, the storage of goods, wholesaling, and freight terminals are permitted subject to a 50-foot front yard setback, 25-foot side yard setback, and 30-foot rear yard setback. (Table A). When an industrial site adjoins a residential district, a buffer strip of only 25-feet is required. (§ 430). In the Mixed Use Interchange (“MUI”) District, the storage of goods, wholesaling, and freight terminals are permitted subject to a 50-foot front yard setback and no others. (Table A).

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Town of Killingly Planning & Zoning Commission
September 12, 2022
Page 5

health and safety. Such conditions may impact on-site and off-site activities.

Conclusion

The Applicant respectfully requests that the Commission approve its application. The BP District has remained vacant for too long. Approving this Application will make the BP District and its associated properties more attractive for development, increase the tax base, add jobs, and boost the economy of the Town of Killingly. The Commission will retain discretion to review any proposed warehouse and distribution center use through the special permit and site plan review processes.

Respectfully submitted,
Clarie Family

By: *Evan Seeman*

Evan J. Seeman, Esq.
Robinson & Cole LLP
Its Attorney and Authorized Agent

Copy to: Ann-Marie Aubrey, Director of Planning and Development
Jonathan Blake, Town Planner/ZEO
Jill St. Clair, Economic Development Director
Keith Kumnick, SIOR, Colliers
The Clarie Family

KILLINGLY ECONOMIC DEVELOPMENT COMMISSION

Regular Meeting
Tuesday, July 5, 2022
Killingly Town Hall
Meeting Rom 102
172 Main Street
Killingly, CT



Edw. J. ...
cm. ...

2022 JUL -6 AM 11:39

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TOWN CLERK, KILLINGLY, CT

Minutes

Mark Tillinghast-Chairman, called the meeting to order at 5:25 PM. Chairman appointed Jay Lirette as a voting member to reach a quorum.

1. Roll Call:

Members Present: Todd Cooke, Jay Lirette, Mark Tillinghast,
Absent: Bill Cheng (with notice), Kevin Cole, Dale Desmarais

Others Present: Tammy Wakefield, Council Liaison; Jill St. Clair, Economic Development Director, Anne-Marie Aubrey, Director of Planning & Development

2. Approval of Minutes:

MOTION to accept the minutes of the Regular Meeting of May 3rd, 2022, was made by Todd Cooke. It was **SECONDED** by Jay Lirette and the voice vote was **ALL IN FAVOR**.

3. Correspondence – None

4. Citizen's Participation – None

5. Unfinished Business

a) Economic Development Trust Fund – The beginning balance of the Trust Fund as of June 1, 2022, was \$303,763.53. Interest was \$37.45 for a balance as of 6/01/2022 of \$303,800.98

b) Update of Projects-

- Regional Tourism created a sub-destination within the Eastern Regional Tourism District called Scenic Northeast. The State of Connecticut is revamping the Visit CT website to reflect the sub destination. New elements of the site include moving away from the "Still Revolutionary" marketing to "Find Your Vibe". The district is creating two new brochures: a Beverage Trail and a Cultural Heritage Trail. Jill supplied the marketing vendor Conservation Commission content of Scenic Drives and "Get Outside" for fall blog and marketing content.
 - Ribbon Cuttings – The Boroughs Brewing Company, Ra Ra's Ice Cream and IPHIX Phones.
 - Killingly Business Association will be hosting Second Saturdays in Davis Park on July 9th and August 13th. The New England Food Truck Festival will be held on August 20th in the "Brickyard Alley" in the municipal parking lot.
- c) ARPA Funds- The Town Council approved the use of ARPA funds for Phase I and Phase II Environmental Assessments for 125 Alexander Parkway. The Borough of Danielson approved the application for ARPA funds for The Brickyard project and the installation of WIFI and handicap access improvements.
- d) Cultural District- The economic development office is utilizing a Sustainable Ct intern to assist with arts and cultural mapping of a walkable cultural district for consideration in the formation of a formalized district.

6. New Business

a) Brownfield Assessment

- Killingly was awarded an EPA Target Assessment Grant for the Ballouville Mill. The work is expected to start in early fall.
- Killingly was awarded assistance from the UConn TBA program in preparing for upcoming brownfield grant applications.

- b) Upcoming Grant Applications- Jill will be applying for a National Endowment of the Arts (NEA) grant called "Our Town" The grant will include a living documentary, public art and educational programming.
 - c) Community Investment Fund-
The State of Connecticut has created a Community Investment Fund for distressed municipalities, the 875 million dollar fund is expected to run for 5 years for shovel ready community investment projects that promote community and economic development for the benefit of marginalized and underserved populations.
7. Liaison Reports – Tammy Wakefield the liaison to the Town Council gave an update on the success of the Red White and Blue Festival. Discussion included The Board of Education budget and the return of unexpended money over the last two years. Those funds will be reallocated into a road maintenance program to improve the quality of the roads.
- Anne-Marie Aubrey gave an update on the Planning and Zoning actions. Recreational Cannabis regulations will be in affect as of July 18th. The site plan for Melting Point, LLC in the former Benny's location was approved. There is an upcoming application regarding the Business Park zoning regulations on July 18th.
8. Commission Member Reports – None
9. Adjournment
Todd Cooke made a MOTION to adjourn at 6:25 PM. Jay Lirette SECONDED it. The voice vote, **ALL IN FAVOR.**

Respectfully submitted,



Jill St. Clair, Recording Secretary

Robinson+Cole

Zone Text Change – App. # 22-1294

TOWN OF KILLINGLY – BUSINESS PARK DISTRICT REGULATIONS

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SEP 12 2022

PLANNING & ZONING DEPT.
TOWN OF KILLINGLY

Evan J. Seeman

Sept. 19, 2022

BP District Location

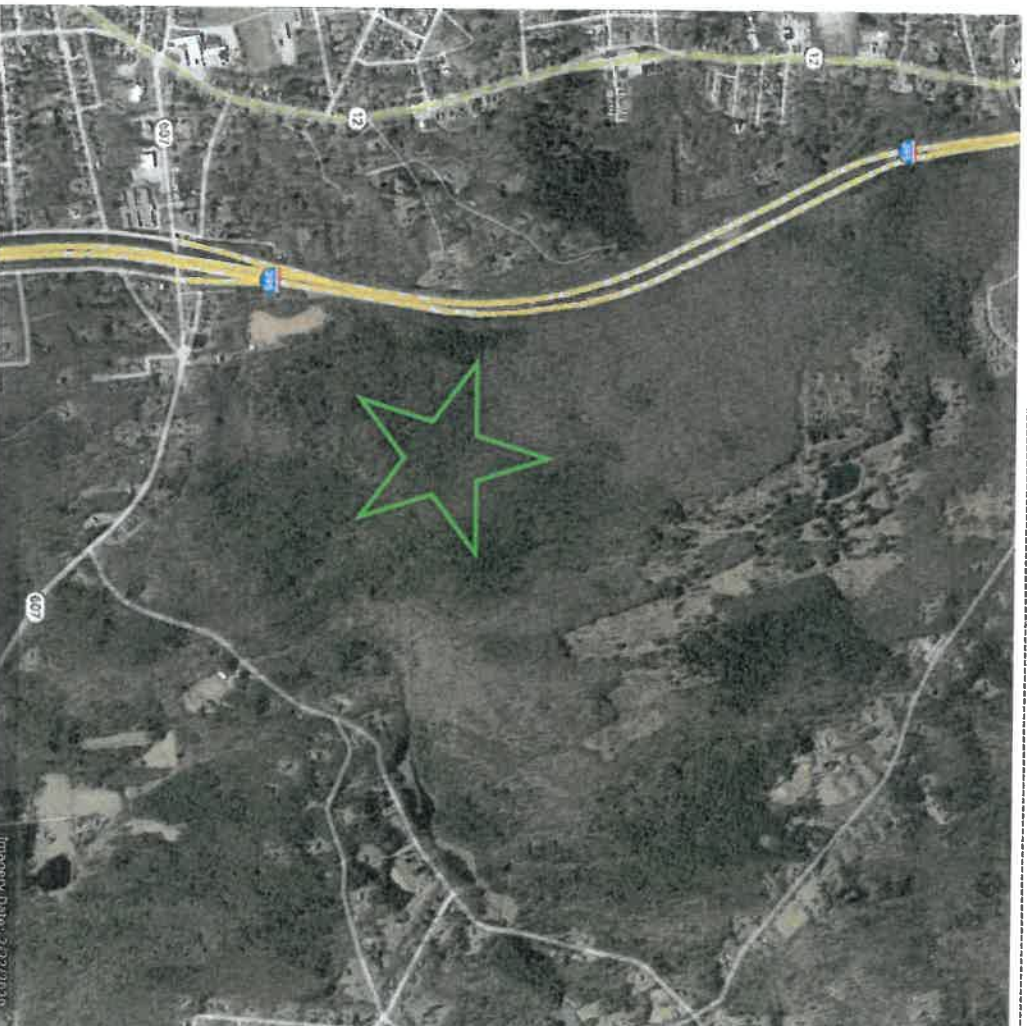
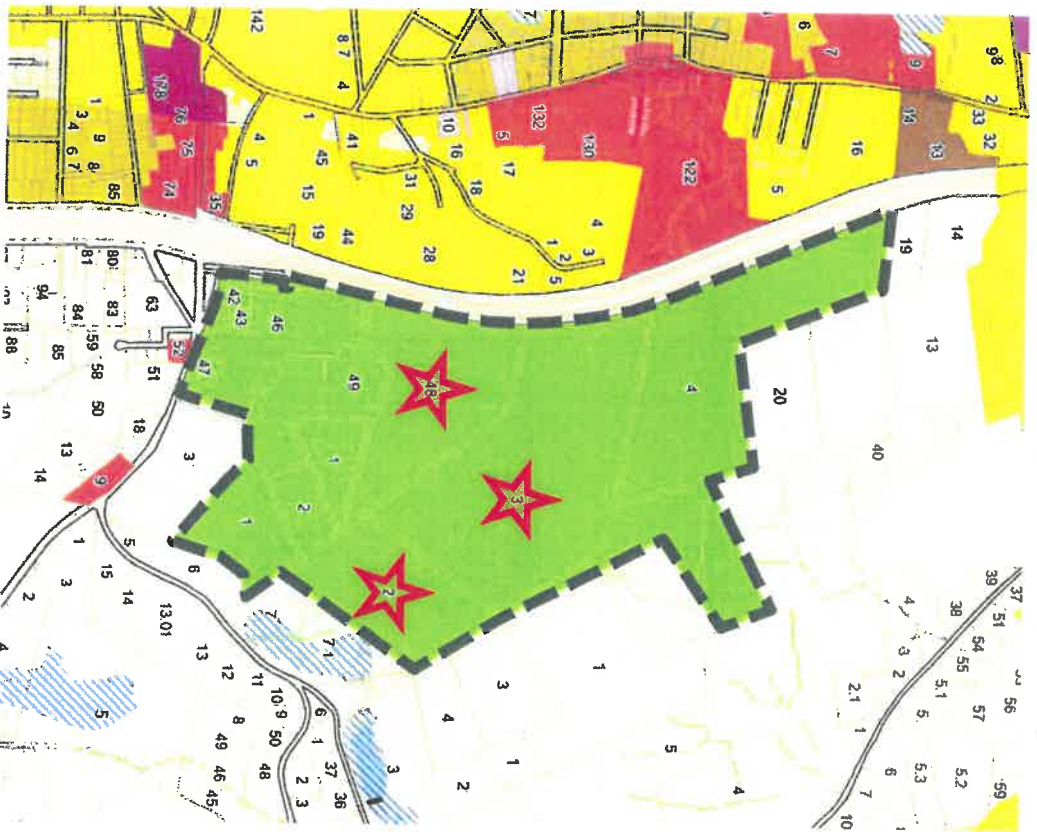


Image Source: Google Earth

Business Park (BP) District

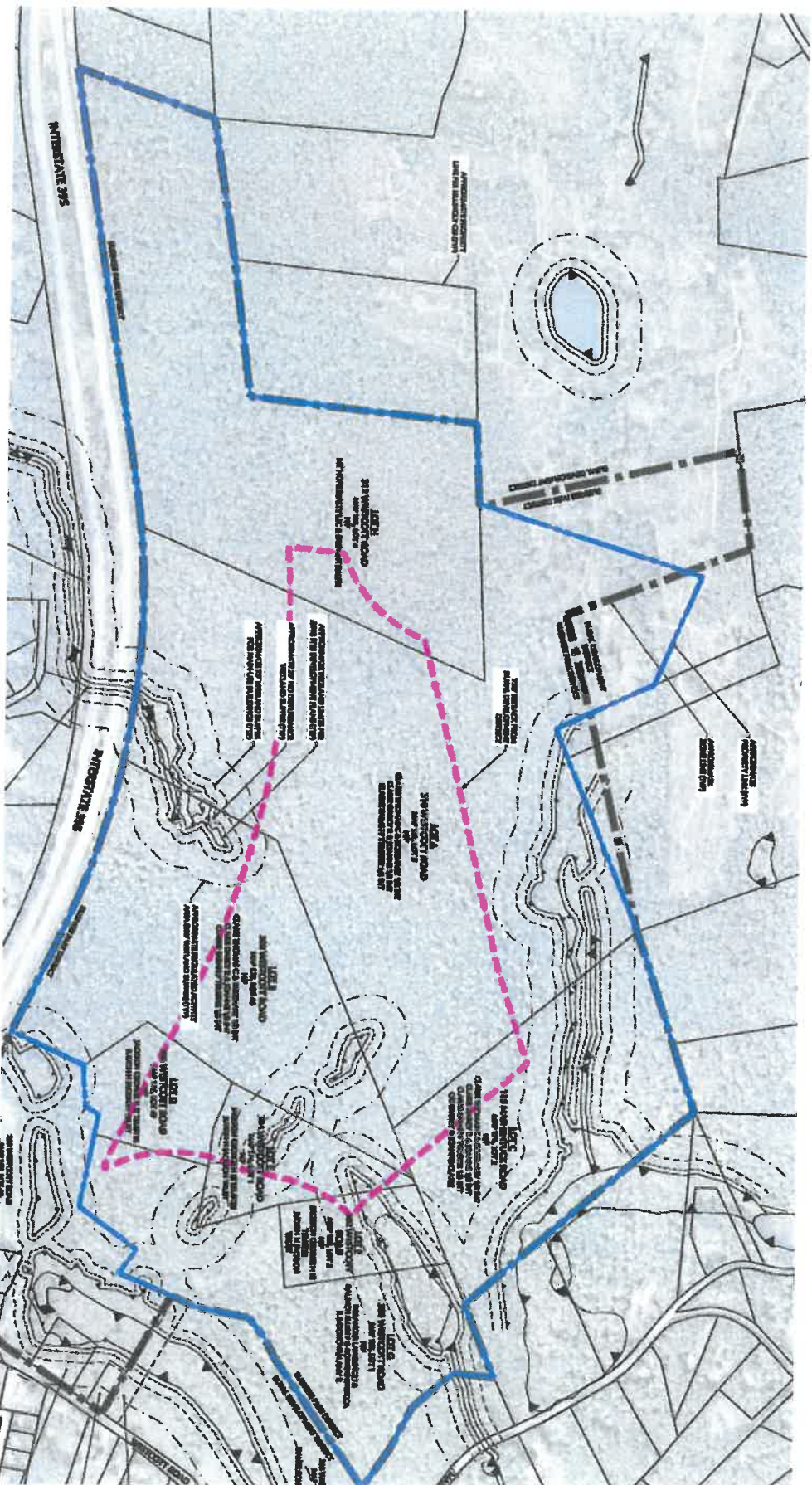


Business Park District



Clarie Parcels

Impact of 750 Ft. Setbacks & Topography



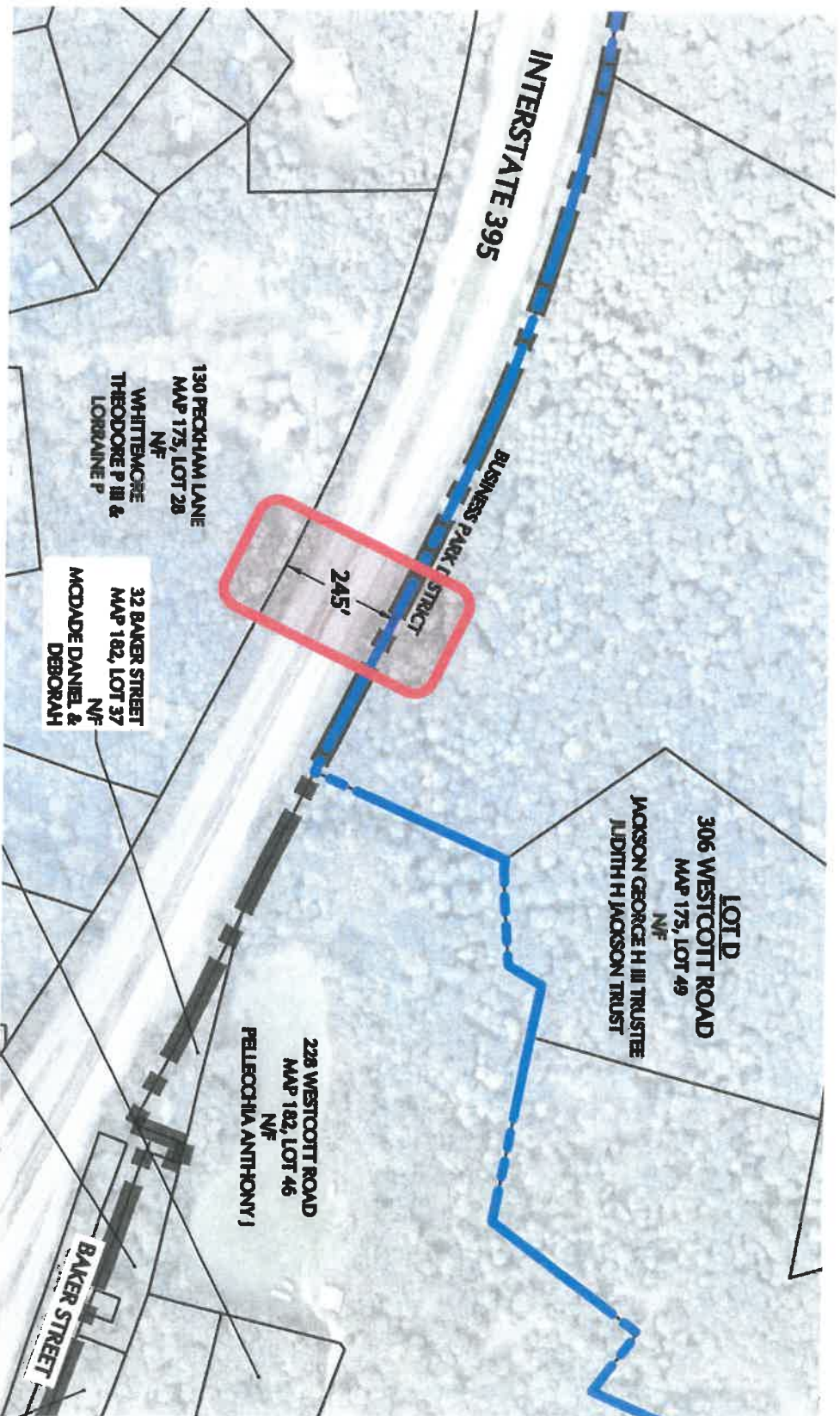
Setback Requirements in Surrounding Towns

Town

Setback Requirements

- Brooklyn** No requirement specific to warehousing and distribution; a “green belt” at least 25’ in depth is required where a side or rear yard in an industrial zone abuts a residential zone.
- Plainfield** No requirement specific to warehousing and distribution; a “buffer zone” at least 25’ wide is required between an industrial district and a residential or commercial district.
- Pomfret** No requirement specific to warehousing and distribution; a “buffer strip” of 50’ is required in the Business Village and Commercial Village Districts and 100’ in the Commercial/Business District.
- Putnam** No requirement specific to warehousing and distribution; the setback requirement for the Industrial District increases to 100’ when abutting a residential district.
- Sterling** No requirement specific to warehousing and distribution; largest setback requirement is 75 feet for nonresidential uses.

Distance from Properties West of I-395



Special Permit Safeguards

- The Commission has discretion to impose the following conditions and safeguards:
 - Require larger setbacks
 - Require screening from adjoining properties and the street;
 - Limit the size of development
 - Limit methods or times of operation
 - Regulate the number, type and location of outdoor lighting
 - Protect public health and safety in others ways in deems appropriate based on specific development proposal

(Killingly Zoning Regulations Section 740)

Consistency with POCD

- “Developable land is available at 3 interchanges along I-395, **notably ... the Business Park District at Exit 38.**” (Section 3.2)
- “[E]ncourage and promote business development within the designated commercial and industrial areas.” (Section 3.5)
- Utilize I-395, which “has become an important asset for Killingly, as the town is connected by an interstate north and northeast to Worcester and Boston, and south and southwest to New Haven and New York. **Killingly, as a crossroads community, could now capitalize on the growing use of trucks to transport goods.**” (Section 2)

Summary

- Property is zoned for commercial/industrial use
- Facilitate development of now vacant and underutilized district
- Align BP District Regulations with recent regulatory changes and current market conditions
- Furthers goals of POCD
- Spur economic development in Town – new jobs and tax revenue
- Commission retains discretion over special permit application for future development

Questions?



EVAN J. SEEMAN

280 Trumbull Street
Hartford, CT 06103-3597
Main (860) 275-8200
Fax (860) 275-8299
eseeman@rc.com
Direct (860) 275-8247

VIA HAND DELIVERY & ELECTRONIC MAIL

June 1, 2022

Town of Killingly Planning & Zoning Commission
Keith Thurlow, Chair
Killingly Town Hall
172 Main Street
Killingly, CT 06239

Re: Zoning Text Amendment – Business Park District

Dear Chair Thurlow and Members of the Commission:

Our firm represents Rosemary and Thomas C. Clarie, Darcy R. and Joanne Clarie, and Sarah F. Clarke, Trustee (“Clarie Family” or “Applicant”), who together own three undeveloped parcels located in the BP (Business Park) District at 308 Westcott Road (Parcel No. 175-048-000-000-9603), 310 Westcott Road (Parcel No. 161-003-000-000-1064) and 115 Mashentuck Road (Parcel No. 174-002-000-000-1062) comprising 199 acres. Pursuant to Section 900 of the Town of Killingly Zoning Regulations, the Clarie Family submits this Application for a Zoning Text Amendment (“Application”) with respect to the BP District regulations. Enclosed please find the following materials in support of the Application:

1. Application form
2. Narrative
3. Proposed text amendment language
4. Authorization letters
5. Application fee

As explained in the attached Narrative, the BP District was created more than 20 years ago, and the vast majority of land in the district remains undeveloped. The Application seeks to update the BP District regulations to facilitate development of property in this district while remaining sensitive to nearby zoning districts and uses. It will bring an underutilized zoning district to its higher potential, benefitting the Town as a whole.

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JUN 02 2022

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Town of Killingly Planning & Zoning Commission

June 1, 2022

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On March 17, 2022, the undersigned discussed the proposed changes with Town staff in a pre-application meeting with Ms. Ann-Marie Aubrey, Director of Planning & Development, Mr. Jonathan Blake, Planner I / Zoning Enforcement Officer, and Ms. Jill St. Clair, Economic Development Director. The Applicant has revised its proposed text amendment language based on the pre-application meeting and is pleased to submit this Application for the Commission's review.

The Clarie Family is eager to make the BP District and its associated properties more attractive for development. Doing so will increase the tax base, add jobs and boost the economy of the Town of Killingly. The Clarie Family respectfully requests that the Commission schedule this Application to be considered and approved at the Commission's next available meeting or as soon as possible. Thank you for your consideration of this matter.

Respectfully submitted,
Clarie Family

By: *Evan Seeman*

Evan J. Seeman, Esq.

Robinson & Cole LLP

Its Attorney and Authorized Agent

Copy to: Ann-Marie Aubrey, Director of Planning and Development
Jonathan Blake, Town Planner/ZEO
Jill St. Clair, Economic Development Director
Keith Kumnick, SIOR, Colliers

Office Use Only

| |
|---------------------------------|
| Application #: |
| Date Submitted: |
| Received By: |
| Fee: |
| Date Rec'd by Commission/Board: |

APPLICATION TYPE:

- Site Plan Review
- Special Permit
- Subdivision
- Zone Text Change
- Zone Map Change
- Zoning Board of Appeals

TO BE COMPLETED BY THE APPLICANT -- PLEASE PRINT

| |
|---|
| Applicant's Name: Rosemary and Thomas C. Clarie; Darcy R. and Joanne Clarie; Sarah F. Clarke, Trustee |
| Mailing Address: Evan J. Seeman, Esq., Robinson & Cole, LLP, Applicants' Agent 280 Trumbull Street, Hartford, CT 06103 |
| Day Phone: (860) 275-8247 Evening Phone: Same |
| Landowner: N/A |
| Mailing Address: N/A |
| Day Phone: N/A Evening Phone: N/A |

LOCATION OF PROPERTY

| |
|---|
| Address: N/A |
| GIS # N/A Lot: N/A Zoning District: N/A Lot Size: N/A Frontage: N/A |

INTENT OF APPLICATION / PROPOSED ACTIVITY

| |
|--|
| Description: Proposed text amendment to Sections 436.1; 436.2; 436.3; 436.4.2; 436.4.3; 436.6.1.b; 436.6.2.a; and 450 of the Town of Killingly Zoning Regulations regarding permitted uses and requirements of the Business Park District. See attached narrative and proposed text. |
|--|

ZONING BOARD OF APPEALS APPLICATIONS ONLY

| |
|--|
| <input type="checkbox"/> A variance in the application of the Zoning Regulations is requested. |
| <input type="checkbox"/> There is an error in an order, requirement or decision made by the Zoning Enforcement Officer (Appeal). |
| <input type="checkbox"/> Other (Specify Above). |

Evan Seeman

Signature of Applicant

June 1, 2022

Date

See Authorization Letters

Signature of Owner (if different from Applicant)

Date

Attachment 1

The Clarie Family Application for Zoning Text Amendment – Business Park District

Application Narrative

This Narrative is in support of the Application for a Zoning Text Amendment submitted by Rosemary and Thomas C. Clarie, Darcy R. and Joanne Clarie, and Sarah F. Clarke, Trustee (“Clarie Family” or “Applicant”). The Clarie Family collectively owns three undeveloped parcels located in the BP (Business Park) District at 308 Westcott Road (Parcel No. 175-048-000-000-9603), 310 Westcott Road (Parcel No. 161-003-000-000-1064), and 115 Mashentuck Road (Parcel No. 174-002-000-000-1062) comprising 199 acres. The Application proposes changes to the following BP District regulations: Section 436.1; Section 436.2; Section 436.3; Section 436.4.2; Section 436.4.3; Section 436.6.1.b; Section 436.6.2.a; and Section 450.

The Application seeks to update the BP District regulations to facilitate development of property in this district while remaining sensitive to nearby zoning districts and uses. It will bring an underutilized zoning district to its higher potential, benefitting the Town as a whole. The proposed changes to the BP District regulations are consistent with the Town’s Plan of Conservation and Development (“POCD”) and will promote the public health, safety, welfare and sound planning principles.

Overview of the BP District

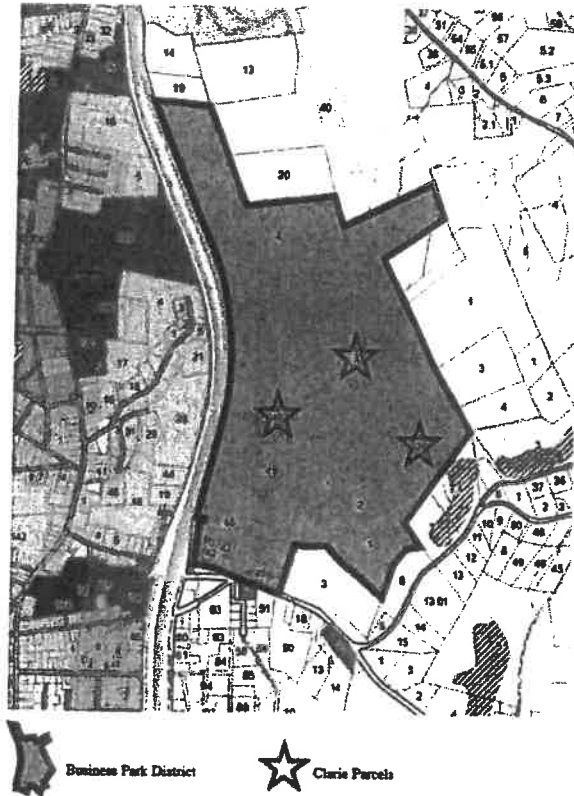
The BP District was established in 2000 through Application #99-97. The BP District properties were rezoned from the Rural Development District (“RD District”) through Application #00-103. The BP District was amended in 2004 (Application #04-127 to allow conference centers, hotels and motels as special permit uses) and 2007 (Application #07-154 for a text amendment to the BP district).

The BP District Regulations were created to “provide facilities consistent with a master plan and restrictions, resulting in the creation of a physical environment that promotes consistency with community goals, efficient business operations, human scale and values, and compatibility with the natural environment.” (§ 436.1). The BP District permits a variety of commercial and industrial uses by special permit (no uses are allowed as-of-right), including: research and development facilities, general office space, data centers, conference centers, hotels and motels, educational training facilities, recreational facilities, and automobile vehicle rental facilities. (§ 436.3).

Wholesale warehouse and distribution centers of up to 40,000 square feet of gross floor storage area are permitted in the BP District but only if they are accessory to a research or development primary use (§ 436.3.i). The BP District also requires that an accessory warehouse and distribution center (a) be setback 750 feet from the boundary line of any residential district or residential use (§ 436.3); and (b) have associated truck parking setback 750 feet from any residential district boundary or residential use (§ 436.4.3). On a development site of 317 acres (which includes the three Clarie parcels and 5 other parcels: 312 Westcott Road, 306 Westcott

Road, 304 Westcott Road, 302 Westcott Road, and 300 Westcott Road), this setback reduces the buildable area by nearly 228 acres or more than 71%.

Currently, most of the land in the BP District remains undeveloped. The below image taken from the Town's GIS mapping shows the boundaries of the BP Zoning District in black (the parcels owned by the Clarie Family are identified with red stars):



No other parcels in Town are zoned BP District. The BP District is next to I-395. It is surrounded to the north and east by properties in the RD District; to the south (across Westcott Rd.) by properties in the RD District and General Commercial ("GC") District; to the west (across I-395) by properties in the GC District and the Low Density Residential District.

Proposed Amendments to the BP District

The goal of the BP District has not been realized. BP District properties remain undeveloped. Since the creation of the BP District more than 20 years ago, demand for warehousing and distribution centers has increased dramatically as the retail sector has evolved to meet consumer demands for online shopping, particularly in response to the COVID-19 pandemic. With its proximity to I-395, the properties included in the BP District are well suited for a warehouse and distribution facility. However, the existing BP District regulations applicable to warehouse and distribution uses have inhibited development.

The changes to the BP District which are proposed in the Application aim to balance the relaxation of development standards specific to warehousing and distribution while maintaining certain standards to protect surrounding properties. They will update the BP District regulations to, among other things, permit warehouse and distribution facilities as a primary use subject to special permit review and reduce existing 750-foot setbacks. They will not introduce an alien use, given that warehouse and distribution centers are already permitted, albeit subject to several restrictions.

The proposed changes will also align with recent changes to the Zoning Regulations approved by the Commission. In 2021, the Commission amended the Zoning Regulations to permit distribution centers in the GC District subject to certain standards. In so doing, the Commission required a landscape buffer of only 25 feet in width but no additional setback distance above what is generally required for the GC District (a 50-foot front, 25-foot side and 30-foot rear setback), even where such a use is adjacent to a residential district or use.

Similar uses in other zoning districts (storage of goods, wholesaling, and freight terminals) require much smaller setbacks than what is required for warehouse and distribution uses in the BP District. In the Light Industrial (“LI”) District, the storage of goods and wholesaling is permitted subject to a 40-ft. front yard setback, 25-foot side yard setback, and 30-foot rear yard setback. (Table A). Further, when a light industrial site adjoins a residential district, a buffer strip of only 25-feet is required. (§ 430.2.5). In the Industrial (“I”) District, the storage of goods, wholesaling, and freight terminals are permitted subject to a 50-foot front yard setback, 25-foot side yard setback, and 30-foot rear yard setback. (Table A). When an industrial site adjoins a residential district, a buffer strip of only 25-feet is required. (§ 430). In the Mixed Use Interchange (“MUI”) District, the storage of goods, wholesaling, and freight terminals are permitted subject to a 50-foot front yard setback and no others. (Table A).

The BP District is the only district to require separate setback standards for warehouse and distribution uses. Although the changes to the BP District regulations would reduce existing setbacks for warehouse and distribution uses to 150 feet, the setbacks would still be more than three times that required in other districts that allow storage or freight terminal uses (the 50-foot front yard setback required in the GC, LI, I, and MUI districts).

The Application also proposes several standards which are designed to protect nearby zoning districts and uses. The standards have been modeled on those approved by the Commission in 2021 to permit distribution centers in the GC District. One major difference is that a greater setback specific to warehouse and distribution center uses will still be required in the BP District where any such facility is next to a residential zone or residential use. The proposed standards include:

- 150 ft. setback from the boundary of any residential district or use;
- Controlled gate access for warehouse and distribution vehicular traffic;
- Landscaping per § 436.4.3 required for outdoor storage of trailers;
- Goods and products stored or packaged must be indoors (except for those stored within a trailer outside of the warehouse and distribution center); and
- Outdoor lighting to be night sky compliant.

The proposed changes to the Zoning Regulations are designed to make the BP District more amenable to development based on current market demands. With the proximity to I-395, the BP District has ample access for the development of warehouses and distribution centers and other typical business park uses. Reducing existing setback requirements will provide greater flexibility for the development of existing underutilized land within the BP district. Reduced setbacks will also permit flexibility for future development to minimize impact on any environmental constraints such as wetlands and upland review areas which are present on parcels in the BP District, including those owned by the Clarie Family.

While the proposed amendments reduce the setback for warehouse and distribution center uses when abutting the RD District, they maintain a larger setback than that generally required in the BP District. In general, a 50-foot front, side, and rear setback is required in the BP District. Landscape buffer and screening requirements will remain to minimize any adverse effects future development may have on the surrounding properties.

This Application proposes only amending the text of the BP District regulations. There is no specific development proposal to accompany this application or concept plan, as these are not required for text amendment applications. If the Commission approves this text amendment Application, any future development application will be subject to the Commission's discretionary special permit review and site plan approval.

Consistency with the Town's POCD

The Application is supported by and furthers several of the Town's goals and policies identified in the POCD. Applicable goals and policies of the POCD are identified below.

The Introduction of the POCD states that Route 395 "has become an important asset for Killingly, as the town is connected by an interstate north and northeast to Worcester and Boston, and south and southwest to New Haven and New York. Killingly as a crossroads community, could now capitalize on the growing use of trucks to transport goods." (Page 6/78 of POCD). *Comment:* The BP District is ideally located to contribute to this highly beneficial use.

Section 3.2 ("Economics") gives a "Background" of economic conditions in Killingly and states that "Poverty and unemployment are major concerns. The Town is consistently above the state average in unemployment rates." (Page 15/78 of POCD). *Comment:* The Applicant anticipates that approval of the Application will facilitate development of properties in the BP District and will result in substantial direct and indirect job generation.

Section 3.2 of the POCD provides the following goal: "Maximize the quantity, quality and diversification of Killingly's employees and employable workforce while maintaining the advantages of Killingly's character." (Page 18/78 of POCD). *Comment:* The proposed text amendment is intended to encourage development of warehouses and distribution centers within the BP district. Since the BP District was created in 2000, there has been increased demand for warehouses and distribution centers with the rise in e-commerce. The proposed text amendment will attract businesses to the Town that have otherwise overlooked the BP District parcels due to existing constraints. Adding new businesses to Town will increase the number and type of jobs located in Town.

Section 3.5 of the POCD states that a policy is to “encourage and promote business development within the designated commercial and industrial areas.” (Page 35/78 of POCD). The BP District is already designated for a variety of commercial purposes. However, permitted uses are limited. The proposed text amendment will further encourage and promote business development within the BP District by allowing a warehouse and distribution center as a primary use and setting new development standards for such a use. It will help to facilitate possible development in the BP District that has been lacking for more than 20 years. The Commission will retain discretion to review any proposed warehouse and distribution center use through the special permit and site plan review processes.

Economic Benefits from the Text Amendment

The proposed changes to the BP District regulations will help facilitate development of property in this district. The Town of Killingly will reap economic benefit through the development of a warehouse and distribution center in the BP District, which may include (a) generation of additional real property tax revenue; (b) generation of additional personal property taxes; (c) creation of new jobs to construct a possible warehouse and development facility; and (d) creation of permanent jobs and increased business for other local establishments.

Conclusion

The proposed text amendment will update the outdated BP District regulations. Doing so will make the BP District and its associated properties more attractive for development, increase the tax base, add jobs, and boost the economy of the Town of Killingly. The Commission will retain discretion to review any proposed warehouse and distribution center use through the special permit and site plan review processes.

Attachment 2

Proposed Text Amendment Language to Town of Killingly Zoning Regulations

[proposed text shown is underscored; text to be deleted is shown in ~~strikeout~~]

Section 436.1 – Intent

The intent of the Business Park District is to ~~provide facilities for business consistent with a master plan and restrictions, resulting~~ provide areas which allow the establishment of business uses subject to standards that result in the creation of a physical environment that promotes consistency with community goals, efficient business operations, human scale and values, and compatibility with the natural environment. A Business Park District may be located adjacent to, or nearby, residential districts. Therefore, all uses located 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 structures (except for docking areas necessary for receipt of multiple deliveries or as otherwise noted).

Section 436.2 – General Requirements

- g. Any parcel in the BP District to be used must provide a direct access way to a road or street, including through, but not limited to, an easement. Any application to the commission for a proposed use within the business park district on land situated between any public road or street or a previously approved private access way and the remaining land in the business park district shall provide a defined right of way over the land area owned in whole or in part by the owner or the owner's applicant to the remaining land in the business park district. Such right of way access way shall have a minimum width of sixty feet or such width specified by the commission. Said right of access way shall may permit the future installation of all utilities including, but not limited to, sanitary sewer lines, public water, electric, natural gas, communication cables and storm water drainage structures and lines. The location of such right of way shall be approved by the commission. Such access way is subject to approval of the Commission.

Section 436.3 – Special Permitted Uses

- i. ~~Wholesale warehouses and distribution centers, provided they are clearly secondary and supplemental to a research or development primary use, have a gross floor storage area of forty thousand (40,000) square feet or less, and are located at least seven hundred fifty (750) feet from the boundary line of any residential district or any residential use.~~

Warehouses and Distribution Centers, subject to the following standards:

1. Shall be located at least 150 feet from the boundary of any residential district or residential use.
2. Shall have controlled gate access for warehouse and distribution vehicular traffic, though employee traffic for parking purposes shall not require gate access.
3. Outdoor storage of trailers may be provided; however, this area must be landscape screened in accordance with § 436.4.3 from abutting uses if they differ in zoning or a use not provided within the Business Park District
4. Permitted accessory uses include the overnight parking and/or storage of trailers and vehicles used in the conduct of the business; ancillary maintenance and refueling of vehicles used in the conduct of the business; customer pick-up; and retail sales area not to exceed 20% of the total gross floor area of the primary use;
5. All goods and products stored or packaged in the warehouse and distribution center shall be indoors except for those items that are stored within a trailer outside of the warehouse and distribution center. No packaging of goods shall be allowed outside of the warehouse and distribution center.
6. Truck loading docks shall not be located on the street facing side of the building or be located on the building side that abuts a residentially zoned parcel without adequate landscape buffer and screening in accordance with § 436.4.3.
7. All outdoor lighting shall be night sky compliant.
8. The Commission may, at its discretion, hire a third-party consultant, also acceptable to the applicant, to aid the Commission in its review of any proposed facility. The fees charged by the third-party consultant shall be borne by the applicant.

Section 436.4.2 – Interior Circulation

~~The BP District shall be served by an internal roadway system. Such roads shall, at a minimum, comply with the Town standards for “local street”. The Commission may, in its discretion, designate such roads as “access” or “through” streets as defined in the Town’s Subdivision regulations if such standards are warranted by the volume of traffic and type of use proposed.~~ Interior circulation shall provide for the safe movement of vehicles, delivery trucks and pedestrians. Truck delivery routes shall be indicated by signage, pavement marking or other method. Access to commercial delivery points shall be segregated from general public traffic. Provisions for the safe movement of pedestrians between buildings and from buildings to parking areas shall be provided.

- a. Bicycle/pedestrian pathways a minimum of six (6) feet in width ~~are to~~ may be provided along the interior roadway system. Said width may be expanded by the commission to ten (10) feet or to conform with standards of the National Park Service then in effect. The bicycle/pedestrian pathways need not be located adjacent to such roadways. Lots not served by sidewalks shall may be served by bicycle/pedestrian pathways. Sidewalks and bicycle/pedestrian pathways shall be constructed simultaneously with the roadways and shall may provide continuous circulation from one lot to another. Sidewalks and bicycle/pedestrian pathways shall be illuminated to provide safety and security for their users. Any lighting used shall be shielded or diffused so as to reflect light away from abutting traffic and to prevent skyward glare.

Section 436.4.3 Landscaping and Screening

- b. ~~All trucks in excess of a one-ton carrying capacity shall be parked in rear or side yards and screened from view from adjacent properties or any public roads or rights-of-way in accordance with Planning and Zoning Commission requirements. No trucks in excess of a one-ton carrying capacity may be parked in any street yard regardless of screening.~~ Truck parking associated with wholesale warehouses and distribution centers shall be a minimum of ~~seven hundred fifty (750)~~ one hundred fifty (150) feet from any residential district boundary or from any residential use. All trucks in excess of a one-ton carrying capacity shall be sufficiently screened from view from adjacent properties or any public roads or rights-of-way.

Section 436.6.1.b – Exemptions Concept Plan Optional

The Concept Plan is not required ~~when the Site plan submitted with a Special Permit application includes all proposed use and development in the entire BP District~~ but may be submitted by an applicant who seeks to develop all property in the entire BP District.

Section 436.6.2.a – Concept Plan

If no concept plan has been approved for a BP District, and the Site plan does not include proposed development for the entire BP District, a Concept Plan ~~must~~ may, but is not required to, be submitted with the Special Permit application(s) for a proposed use or uses. The Commission shall act on the Concept Plan prior to acting on the Special Permit application(s).

Section 450. Dimensional Requirements

...

******Office buildings, and research and development buildings, and warehouses and distribution centers may have a maximum of sixty (60) feet or a height sufficient to accommodate four (4) stories in accordance with industry standards, whichever is greater, with the approval of the Planning and Zoning Commission. When a structure exceeds fifty (50) feet in height, all required yards shall be increased by five (5) feet for each additional one (1) foot in building height above fifty (50) feet.**

[DATE]

Ann-Marie L. Aubrey
Director of Planning and Development
Town of Killingly
172 Main Street
Killingly, CT 06239

Re: Letter of Authorization
Application for an Amendment to the Zoning Regulations
Business Park District
Clarie Family – Owner and Applicant

Dear Sir/Madam:

We, the Clarie Family, as applicant and owner of the real property known as 308 Westcott Road (Parcel No. 175-048-000-000-9603), 310 Westcott Road (Parcel No. 161-003-000-000-1064), and 115 Mashentuck Road (Parcel No. 174-002-000-000-1062), hereby authorize Robinson & Cole LLP and/or its authorized agents to file and present all necessary applications with the Town of Killingly to amend the text of the Zoning Regulations with respect to the Business Park District as set forth in the accompanying application materials.

Rosemary and Thomas C. Clarie

Rosemary Clarie *Thomas Clarie*
Date: 5/18/2022 5/18/2022

Darcy R. and Joanne Clarie

Date: _____

Sarah F. Clarke, Trustee

Date: _____

22-1294

Robinson+Cole

Zone Text Change – App. # 22-1294

TOWN OF KILLINGLY – BUSINESS PARK DISTRICT REGULATIONS

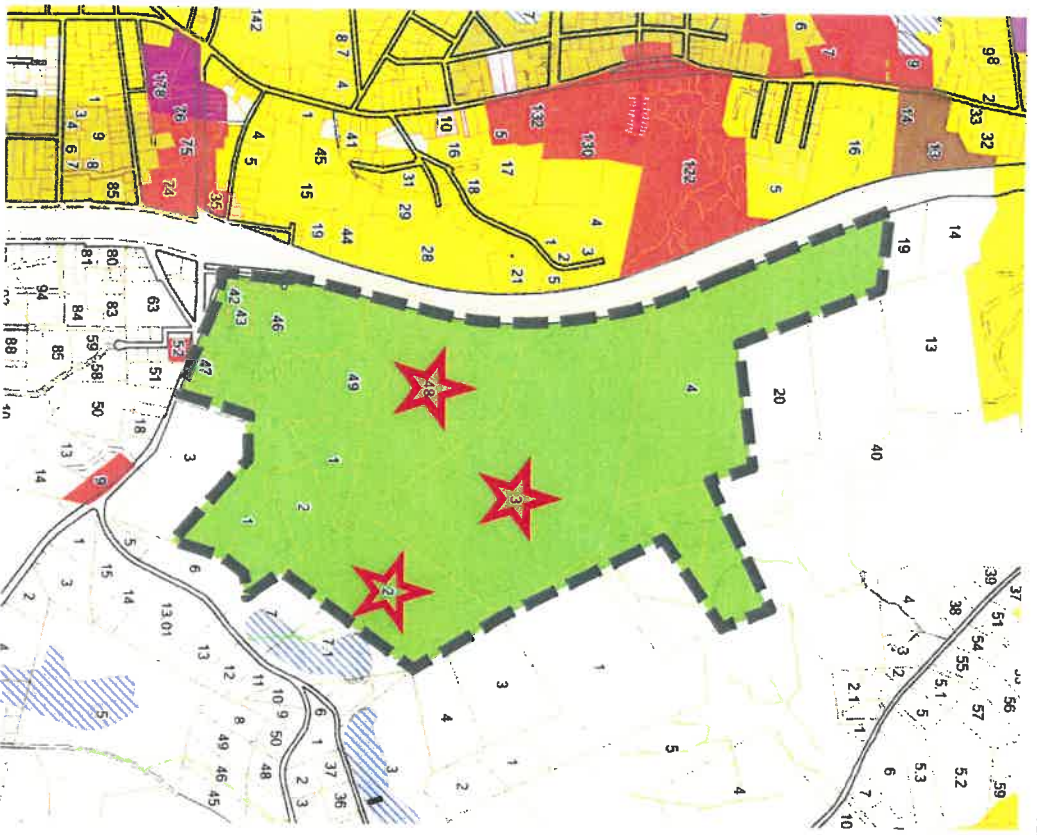
Evan J. Seeman

July 18, 2022

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

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Business Park (BP) District



Business Park District

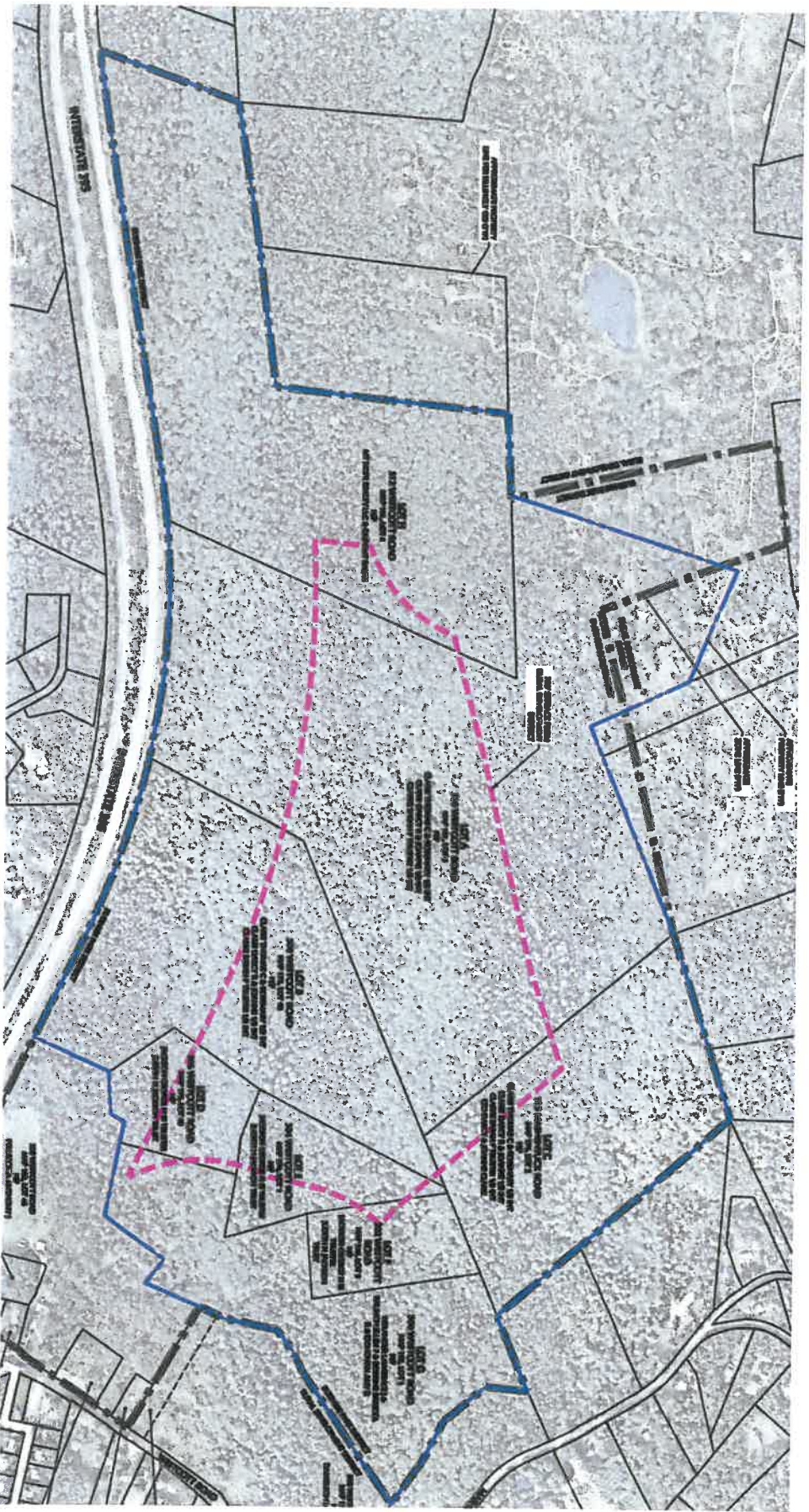


Clarie Parcels

BP District Background

- Created in 2000 to spur development but has remained vacant
- Envisioned single campus-like development
- Concept Plan
- Commercial & Industrial uses by special permit
- Wholesale warehouse and distribution center allowed as accessory use (40,000 sq. ft.; 750 ft. setbacks)

Impact of 750 Ft. Setbacks



BP District Regulations Have Not Worked

- BP District remains vacant and underutilized
- Overly restrictive regulations
- Not reflective of current market conditions

Overview of Proposed Changes

- Warehouse and distribution as primary use subject to appropriate standards
 - 150 ft. setback from residential district/use
 - Controlled gate access for warehouse traffic
 - Indoor storage and packaging of goods and products
 - Outdoor lighting to be night sky compliant
- Reduce 750 ft. setbacks to 150 ft.
- Concept plan becomes optional (no longer required)

Summary

- Property is zoned for commercial/industrial use
- Facilitate development of now vacant and underutilized district
- Align BP District Regulations with recent regulatory changes and current market conditions
- Furthers goals of POCD
- Spur economic development in Town – new jobs and tax revenue
- Commission retains discretion over special permit application for future development

Questions?



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

2) **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.

| | |
|--------------------------|---|
| APPLICANT(S): | NUTMEG KILLINGLY JV LLC |
| LANDOWNERS: | DARIEN POST RD, LTD & FLANDERS POST RD LIMITED PARTNERSHIP C/O HB NITKIN GR. |
| SUBJECT PROPERTY: | 1076 North Main Street |
| ASSESSOR'S INFO: | GIS MAP 130, LOT 6 |
| ACREAGE AMOUNT: | 10.5 |
| ZONING DISTRICT: | General Commercial Zone |
| REQUEST: | Request for an adult cannabis use establishment for retail in the vacant bank bldg. |
| REGULATIONS: | TOK Zoning Regulations Section 567 – Cannabis Establishments |

Documents Attached

- 1) Complete Application
 - 2) 500 ft abutters list
 - 3) Photographs showing the structure (bank bldg.) showing where the retail cannabis establishment will be located
 - 4) Written document explaining how the location will meet the cannabis regulations
 - 5) Written document explaining how the location will meet the special permit requirements
 - 6) GIS Aerial Map showing the location of the proposed establishment
 - 7) Site Development Plan showing the proposed location
-

Legal Notices

- 1) Legal Notice posted in Town Clerk's Office on September 1, 2022
 - 2) Legal Notice published in Norwich Bulletin on Tuesday, Sept. 6, 2022, and Monday, Sept. 12, 2022.
 - 3) Public Hearing Placards were posted at the location as required under the TOK Zoning Regulations
-

STAFF COMMENTS AND SUGGESTIONS

- 1) Staff suggests that the commission members read the application thoroughly as it is quite complete
- 2) Staff suggests the commission members listen to the testimony given at the hearing
- 4) Staff suggests the commission members review the current TOK Zoning Regulations Section 567 – Cannabis Establishments (a copy of which is enclosed for your convenience)
- 5) Staff suggest the commission members, when making their decision state their reasons for said decision

SECTION 567

CANNABIS ESTABLISHMENT

A Cannabis Establishment is a Specially Permitted Use in the following zoning districts: Borough Central Business District, Borough General Commercial, Business Park, General Commercial, Light Industrial, Industrial, Mill Mixed Use and Mixed-Use Interchange Zones.

Section 567.1 – Intent

The purpose of these Zoning Regulation is to regulate the location and operation of cannabis sales, cultivation, or production in accordance with SB 1201 – An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis and Connecticut General Statute 420f – Palliative Use of Marijuana, as amended from time to time.

Section 567.2 – Requirements

1. Separation requirements
 - a. The cannabis establishment shall not be within a five hundred (500) foot radius of any part of any building or structure used for the purpose of a school, house of worship, library, public playground, Town parks and recreation facilities, daycare centers/nurseries, municipal building, or Board of Education facility open to the public, as measured from entrance of the above use (for parks or similar outdoor uses it is from the property line) to the entrance of the proposed cannabis establishment. The Commission may, in its sole discretion, increase separation distances between the cannabis establishment and any uses previously mentioned “identified” in this paragraph up to a maximum of 1500 feet, as the Commission deems necessary. The Commission may, in its sole discretion, increase separation distances between the cannabis establishment and any uses previously mentioned (“identified”) in this paragraph up to a maximum of 1,500 feet, as the Commission deems necessary.
 - b. Where the proposed use abuts a residential district, a buffer strip of at least 25’ wide, containing planted screening may be require by the Commission. Permanent structures such as wooded fences, stone walls and the like may be approved in lieu of part or in conjunction with the required planting where, in the opinion of the Commission, the intended buffering purpose is served by such a substitution.
2. The application must include the following:
 - a. A map identifying all the locations of all above referenced uses within five hundred (500’) feet of the proposed cannabis establishment.
 - b. Noise abatement methods used, if necessary.
 - c. Odor controls used, if necessary.
 - d. Security methods implemented.
 - e. Water consumption estimates and handling of wastewaters.
 - f. Waste management
 - g. Exterior lighting and signage; all exterior lighting shall be night sky compliant.
 - h. Emergency power; location of generators, if necessary.

3. No cannabis establishment shall be allowed within the same building, structure, or portion thereof that is used for residential purposes. In the mixed use zones the cannabis establishment should be in a separate building from any residential uses on that property.
4. All cannabis establishments shall have an adequate security system to prevent and detect diversion, theft, or loss of cannabis, utilizing commercial grade equipment meeting at least the minimum requirements of the Department of Consumer Protection Title 21a – Consumer Protection Section 21a-408-62.
5. The production and/or storage of cannabis shall be conducted indoors.
6. Hours of operation for any retail component, shall be limited to between 9 am to 9 pm, Monday through Saturday and between 10 am to 6 pm, Sunday.
7. Copy of all State Permitting must be on file with the Town of Killingly Planning Office and displayed within the Cannabis Establishment.

Section 567.3 – Disclaimer: Marijuana, whether medical or recreational, continues to be listed on Schedule I of the U.S. Controlled Substances Act (CSA) and is therefore still illegal under federal law. Any applications for cannabis dispensaries and/or production facilities are done under SB1201 and Connecticut General Statute 420f and at total risk of the applicant.

Section 567.4 – Definitions for purpose of this regulation.

Cannabis – Marijuana as defined in Section 21a-240, CGS.

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

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

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

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

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

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

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

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

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

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

Producer – Grows cannabis for medicinal use.

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

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

Office Use Only

Application #: 22-1296 (#22-221296)

Date Submitted: 7/18/22

Received By: dmag

Fee: \$ 585-Pd. 7/18/22 (Check # 1106)

Date Rec'd by Commission/Board: 8/15/22 John Robert Cochran

APPLICATION TYPE:

- Site Plan Review
- Special Permit
- Subdivision
- Zone Text Change
- Zone Map Change
- Zoning Board of Appeals

TO BE COMPLETED BY THE APPLICANT -- PLEASE PRINT

Applicant's Name: **Nutmeg Killingly JV LLC**

Mailing Address: **29 Valley Drive, #5143, Greenwich, CT 06831**

Day Phone: **(914) 488-4963** Evening Phone:

Landowner: **Darien Post Rd LTD & Flanders Post Rd Limited Partnership c/o the HB Nitkin Group**

Mailing Address: **230 Mason Street, Greenwich, CT 06830**

Day Phone: **(203) 983-5434** Evening Phone:

LOCATION OF PROPERTY

Address: **1050-1078 North Main Street, Killingly, CT 06241 (1076 North Main St.)**

GIS # **9041-3014** Lot: **6** Zoning District: **GC** Lot Size: **2,400 sqft** Frontage:

INTENT OF APPLICATION PROPOSED

Description: **Adult use cannabis retail establishment**

ZONING BOARD OF APPEALS APPLICATIONS ONLY

I hereby certify that the information in the application on the Zoning Regulation is a request for

an appeal of the Zoning Regulation in order to require a use or activity in a

Designated District (Article 1)

or



July 14, 2022

500ft Abutters list for 1070 North Main Street Unit 8

Dayville Four Corners LLC
37 Sutton Road Suite 1
Webster MA 01570

Hartford Pike LLC
90 Douglas Pike
Smithfield RI 02917

Thavone Snagasy & Chahn Seng
7 Valley Road
Killingly CT 06241

Hutton Team LLC
736 Cherry Street
Chattanooga TN 37402

Sheila Reynolds
15 Valley Road
Killingly CT 06241

Galaxy Center LLC
37 Sutton Rd Suite 1
Webster MA 01570

Tyler & Rolone Polhemus
78-04 Sixty Fourth Place
Glendale NY 11385

KRC Enterprises LLC
PO Box 263
Killingly CT 06241

Deborah & Nelson King
5009 Sugar Bay Street
Sebring FL 33872

Town Of Killingly Zoning Regulations

Cannabis Establishment

Special Permit for a Cannabis Establishment / Dispensary Facility located at 1076 North Main Street, Unit 8, Dayville, CT. Submitted by The Collective.

x. Cannabis Establishment

1. Separation Requirements

The cannabis establishment shall not be within a five hundred (500') foot radius of any part of any building or structure used for the purpose of a school, house of worship, library, public playground, Town parks and recreational facilities, daycare centers/nurseries, municipal building, or Board of Education facility open to the public as measured from entrance of the above use (for parks or similar outdoor uses it is from the property line) to the entrance of the proposed cannabis establishment.

(Please see site plan & abutters list)

- A twenty five (25') foot buffer zone shall be required when abutting a residential district, as measured from the property line.

(Please see map)

2. The application must include the following:

- The map identifying all the locations of all referenced uses within five hundred feet (500') of the proposed cannabis establishment.

(Please see map)

- Noise abatement methods used, if necessary.

Per state regulations and typical industry best practices there will be no onsite consumption, nor will consumption outside in the parking lot be allowed. Education specific to no on-site consumption will be addressed via signage in the dispensary and the security guards will be trained to monitor the immediate parking spots close to the location to spot any unusual loitering in or around the cars. The staff, working with the guards, will also be trained on how to handle unruly customers and will have de-escalation protocols in place to be used as needed.

Furthermore the team will engage with the local police department to decide on appropriate measures for the store opening and the few weeks following, in order to properly evaluate the need for a police detail to manage any expected traffic increase and/or parking lot issues. However, based on the location we do not foresee any issues with parking due to the large parking lots available to the general shopping plaza.

- Odor controls used, if necessary

As the cannabis establishment in question is a dispensary there will be no need for odor control. All the product inside the dispensary will be received and stored in their original packaging, which is typically a child-resistant & external odor reducing plastic 'container'. Even inside the dispensary there will be very limited odor, and most customers visiting the store will not be able to discern an odor even while in the dispensing area. For the vault a carbon filter fan can easily be installed if deemed necessary, but based on experience that is not typically required based on the storage & packaging of the product in Connecticut.

- Security methods implemented

Primary Operating Procedures:

Security for employees at our Marijuana Establishments will be achieved through perimeter and interior monitoring, a restrictive ID/badge system, and limited access area partitioning, professional security staff, and rigorous personal safety training.

Staff will be trained to spot any unusual weight and inventory discrepancies when performing inventory audits. Any employee who discovers an unusual discrepancy will immediately document and report such unusual discrepancy in weight or inventory to their manager, and applicable state officials, not more than 24 hours after the discovery of such a discrepancy.

The exterior of the facilities will be well-lit and equipped with video surveillance cameras that can be monitored from the video monitoring station. Feeds from multiple exterior (and interior) viewing angles will appear on video screens for simultaneous monitoring. Security staff for the dispensary will conduct periodic, scheduled “watch tours” of the exterior to maintain a security presence and ensure the perimeter remains clear of obstructions. Interior cameras will be installed in all limited access areas and locations at which product is stored, received, weighed, handled, and provisioned to patients. The video recording equipment will be securely stored in a security closet that only authorized members can access.

Only dispensary agents, or individuals over 21 years old, will be allowed access to the dispensary. No large personal bags are allowed inside the dispensary.

RFID access cards will be used to control movement throughout the facilities. All employees will be assigned an ID/access card consistent with their security level and access permissions. ID/ access cards will be used as the employee identification card and will be printed with the employee’s name, picture, and employee number. ID/access cards must be visibly worn by every employee at all times. Lost ID/access cards will be reported immediately to management and the security team, who will then program the card as “lost” in the access control system.

All Marijuana Establishment agents shall carry their agent registration cards, at all times when transporting Marijuana Products and when working within the facility and

shall produce his or her agent registration card to the Commission or law enforcement authorities on request.

Keys will not be issued to regular staff (only select key holders) and will only be used as a backup for emergency purposes. Building keys and card activation devices will be kept in a limited access location requiring the highest security level to access. Electric locks and card readers will be installed at partitions throughout the facilities. The limited access areas, such as the product storage vault, will require a RFID identification card & pin code to access. The access control systems will record all access events and produce reports specific to each employee, card used, access location, and time and date. Limited access areas shall be accessible to only those employees essential for an efficient operation.

All authorized vendors, contractors, and visitors will first obtain a visitor ID badge upon entering, and will be escorted at all times by an agent authorized to enter limited access areas. The visitor identification badge must be visibly displayed at all times. All visitors must be logged in and out, and that log will be available for inspection by the Commission at any time. All visitor ID badges will be returned upon exit.

All staff will be trained in basic safety awareness and additional scenario-specific conduct, as part of their orientation and intensive safety training. In the event of a forced intrusion, staff is instructed to remain calm and not argue, fight, surprise or attempt to use force against an intruder. Staff will comply with demands for products without hesitation. Staff will not in any way hinder the intruder's departure.

Multiple duress alarms are strategically located at each Marijuana Establishment, which are all directly connected to our security contractor and local police departments. Staff will be trained in using these duress alarms in appropriate circumstances.

Security staff will be present prior to the scheduled arrival of employees. Security staff will ensure that all staff has safely exited the facility at closing before leaving their post.

Delivery of Product

Any product received at the dispensary will be done in accordance with the Department of Consumer Protection Title 21a-Consumer Protection Section 21a408-62, and as such will only be done by a licensed operator complying with all applicable regulations.

The dispensary facility will maintain all shipping manifests and make them available in accordance with section 21a-408-72 of the Regulations of Connecticut State Agencies.

Notification of a Security Breach

The Collective management staff shall notify local law enforcement authorities and the Commission of any breach of security or other reportable incident defined below immediately and, in no instance more than 24 hours following the discovery of said security breach. Notification shall occur, but not be limited to, the following situations:

- 1. Discovery of inventory discrepancies;*
- 2. Diversion, theft or loss of any Marijuana Product;*
- 3. Any criminal action involving or occurring on or in the Marijuana Establishment Premises or Licensee or agent;*
- 4. Any suspicious act involving the sale, cultivation, distribution, processing or production of Marijuana by any person;*
- 5. Unauthorized destruction of Marijuana;*
- 6. Any loss or unauthorized alteration of records related to Marijuana;*
- 7. An alarm activation or other event that requires response by public safety personnel, including but not limited to local law enforcement, police and fire departments, public works or municipal sanitation departments, and municipal inspectional services departments, or security personnel privately engaged by the Marijuana Establishment;*
- 8. The failure of any security alarm system due to a loss of electrical power or mechanical malfunction that is expected to last more than eight hours; or*
- 9. Any other breach of security.*

Marijuana establishment agents will document and report to the Commission and law enforcement authorities any vehicle accidents, diversions, losses, or other reportable incidents that occur during product transport, not more than 24 hours after such accidents, diversions, losses, or other reportable incidents occur.

As an act of Good Faith, The Collective management will cooperate with law enforcement to provide video surveillance records when requested by the police department, in efforts to investigate reported theft, diversion or other reportable incidents.

Access

A copy of the facility's floor plan will be on file in a secure location with the local police and fire departments, as required by the municipality.

Access to Limited Access Areas shall be restricted to employees, agents or volunteers specifically permitted by the Marijuana Establishment, agents of the Commission, Commission delegees, and state and local law enforcement authorities acting within

their lawful jurisdictions, police and fire departments, and emergency medical services acting in the course of their official capacity.

Access to surveillance areas shall be limited to persons that are essential to surveillance operations, law enforcement authorities acting within their lawful jurisdictions, security system service personnel and the Commission. The following individuals shall have access to a Marijuana Establishment:

- 1. Representatives of the Commission, with proper identification;*
- 2. Representatives of other Connecticut state agencies, with proper identification; and*
- 3. Emergency responders in the course of responding to an emergency*

- *Water consumption estimates and handling of wastewaters.*

As the cannabis establishment in question is a dispensary there will be no need for an excess use of water. The only water use will be from employees using the restroom and the sink & dishwasher in the breakroom.

- *Exterior lighting and signage; all exterior lighting shall be night sky compliant.*

Lighting & Signage

Our Killingly dispensary will comply with all lighting regulations and local signage limitations as applicable.

- *There will be very limited additional lighting being added to the exterior of the building due to the building & plaza where this proposed dispensary is located already having appropriate lighting. While the security cameras do not need excess lighting to work correctly we believe that a few dark sky compliant wall sconces (4-5) along the perimeter will enhance the appearance of the store & increase security, and this would be pursued.*
- *The Collective will comply with all local signage restrictions while also maximizing the visibility of our business & our brand by seeking approval for signage that will be at the upper limits of what is allowed by the Town.*

- Emergency power; location of generators, if necessary.

Emergency Power

Per state regulations and industry best practices The Collective will look to have a standby generator installed to ensure that the security equipment (cameras & door access) will be fully operational at all times.

- *The generator will be located in the back of building, close to the existing gas meter. Standard security measures will be taken as it relates to the protection of the generator such as protective bollards.*

(See Pictures attached)

- *The generator will be sized to not only power the security equipment but also the rest of the dispensary so that the store can remain open during a potential power outage.*
- *There will be limited noise produced by the generator as it will only be used in the case of an outage, or when the generator performs its scheduled maintenance run which should not last longer than a few minutes each time.*

3. No cannabis establishments shall be allowed within the same building, structure, or portion thereof that is used for residential purposes. In the mixed use zones the cannabis establishment should be in a separate building from any residential uses on that property.

(does not pertain to our business)

4. All cannabis establishments shall have an adequate security system to prevent and detect diversion, theft, or loss of cannabis, utilizing commercial grade equipment meeting at least the minimum requirements of the Department of Consumer Protection Title 21a-Consumer Protection Section 21a-408-62.

The dispensary in Killingly will comply with all requirements of the DCP Title 21a-Consumer Protection Section 21a-408-62, and will not only match the setup and security protocols of our Joint Venture partner Curaleaf's existing CT dispensaries but will look to implement additional best practices from other Northeast states where our support team have opened up dispensaries.

5. The production and/or storage of cannabis shall be conducted indoors.

All product will be stored indoor in our compliant vault, following all security and operational guidelines in the process. Product will only be outside of the vault during normal business hours, and will be brought back into the vault at the end of each day. Furthermore, there will be no production of product at this location since it is only a retail location.

6. Hours of operation for any retail component, shall be limited to between 9 am to 9 pm, Monday through Saturday and between 10 am and 6 pm on Sunday.

Hours of Operation

The Collective's dispensary will comply with the local regulations when it comes to hours of operation for a retail establishment. The proposed hours will be as follows:*

| | |
|--------------------|-------------------|
| <i>Monday:</i> | <i>9AM – 8PM</i> |
| <i>Tuesday :</i> | <i>9AM – 8PM</i> |
| <i>Wednesday:</i> | <i>9AM – 8PM</i> |
| <i>Thursday:</i> | <i>9AM – 8PM</i> |
| <i>Friday:</i> | <i>9AM – 9PM</i> |
| <i>~ Sunday:</i> | <i>9AM – 9PM</i> |
| <i>~ Saturday:</i> | <i>10AM - 5PM</i> |

** Hours might be adjusted prior to the open date, or after opening, once the team can evaluate the demand and what other operators are doing in the area. However, the hours will always comply with the regulations and the team will proactively notify the Town if the hours are to change*

7. Copy of all State Permitting must be on file with the Town of Killingly Planning Office and displayed within the Cannabis Establishment.

State Permitting & Licensing

The Collective will provide the Town of Killingly copies of all required state licenses and will post all applicable permits & licenses inside the cannabis establishment as required.

ARTICLE VII
SPECIAL PERMITS

The Collective - Response Sheet (Cannabis Establishment / Dispensary Facility)
1070 North Main Street / Unit 8 / Dayville, CT 06241

720.1.1 Site Plan

A site plan drawn to a scale of no more than 100 feet to the inch; showing:

- **Existing and proposed boundary lines and the names of all abutting property owners, including those across the street.**

(Please see map)

- **Location and dimensions of existing and proposed buildings, structures, streets, drives, sidewalks, recreation facilities, open spaces, easements and/or rights-of-way, parking and loading spaces (and the total number of such spaces), signs, outdoor illumination, outside storage areas and utilities, including water supply, sewage disposal, storm drainage and electrical service.**

(Please see map)

- **Where construction or regrading is proposed, existing and proposed grade contours (at 5-foot intervals), including major trees and shrub areas, watercourses and wetlands.**

n/a

- **Title block, in lower right hand corner of site plan, showing names of property owner and developer, date or original plan and revisions if any, scale, north arrow, and a blank for the signature of the Commission Chairman.**

(Please see map)

720.1.2 Architectural Plans

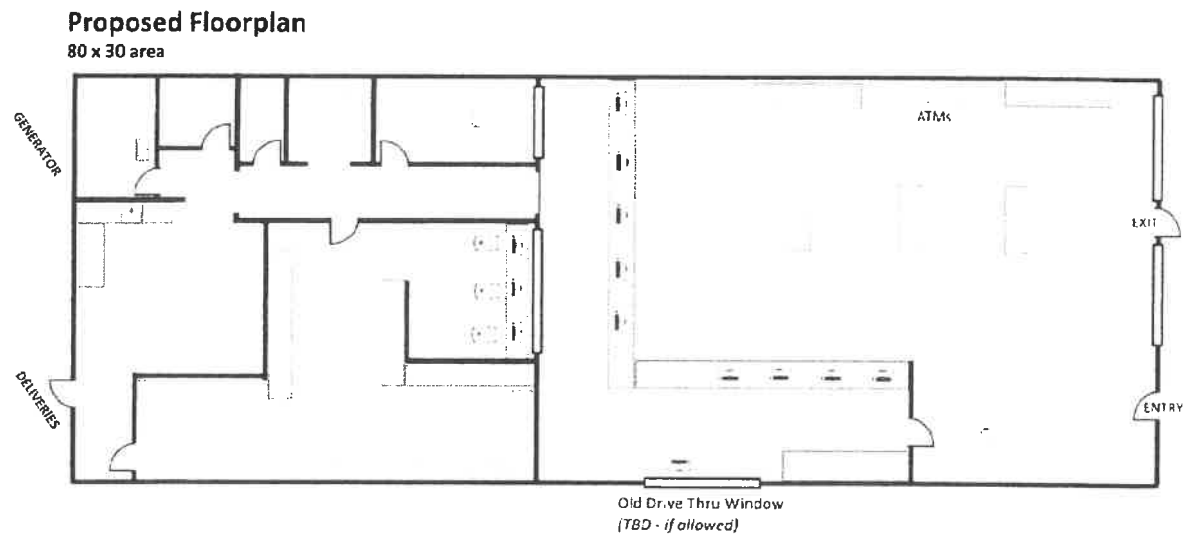
Preliminary architectural plans of all proposed buildings, structures and signs, including:

- General exterior elevations (*Please see map*)
- Generalized floor plans, illustrating at least proposed entrances and exits.

Generalized Floor Plans

The proposed floor plan for the Killingly dispensary.

Separate entry & exits to improve customer flow & a rear entrance for product deliveries. Utilizing the existing drive thru will be pursued if allowed



720.1.3 FEE

A fee is to be paid to the Treasurer of the Town of Killingly

Review of site and architectural plans

720.4 – Review of site and architectural plans

The Commission shall review all plans in order to determine that the proposed use or the proposed extension or alteration of an existing use is in accord with the public health, safety and welfare after taking into account, where appropriate.

- a. The nature of the proposed site, including its size and shape and the proposed size, shape and arrangement of structures.

No change, existing site. (Please see map)

- b. The resulting traffic patterns, adequacy of proposed off-street parking and loading and avoidance of hazards to pedestrians.

The traffic pattern of the plaza should not change as all adult-use customers will park in the main parking area in front of the retail establishment, and then enter from the front.

The only traffic impacting the back of the building will be when products are delivered, as product will be received via the unit's back door. This should only happen 3-4 times per week, with each delivery taking 15 minutes.

- c. The nature of the surrounding area and the extent to which the proposed use or feature will be in harmony with the surrounding area or will serve as a transition between unlike areas and will protect property values and preserve and enhance the beauty of the area.

No change, existing site. (Please see map)

- d. The proximity of dwellings, churches, schools, public buildings, and other places of public gatherings.

(Please see map and attachment - abutters list)

- e. The avoidance of potential nuisance.

Per state regulations and typical industry best practices there will be no onsite consumption, nor will consumption outside in the parking lot be allowed. Education specific to no on-site consumption will be addressed via signage in the dispensary and the security guards will be trained to monitor the immediate parking spots close to the location to spot any unusual loitering in or around the cars. The staff, working with the guards, will also be trained on how to handle unruly customers and will have de-escalation protocols in place as needed.

Furthermore the team will engage with the local police department to decide on appropriate measures for the store opening and the few weeks following, in order to properly evaluate the need for a police detail to manage any expected traffic increase and/or parking lot issues. However, based on the location we do not foresee any issues with parking due to the large parking lots available to the general shopping plaza.

f. All standards contained in these Regulations.

g. The Plan of Development of the Town of Killingly and other expressions of the purpose and intent of these Regulations.

Section 730. Public Hearing

Section 740. Additional conditions and safeguards

740.1 – Requirement of setbacks greater than the minimum required by these Regulations.

na

740.2 – Requirement of screening of parking areas, or other parts of the premises from adjoining premises or from the street, by walls, fences, planting, or other devices as specified by the Commission.

The applicant is prepared to work with the commission and applicable neighbors to install fencing if required and reasonable, to be in harmony with the surrounding area and comply with local requirements. As it currently stands the belief is that the current plantings between the plaza and its neighbors are sufficient.

740.3 – Modification of the exterior features or appearance of any structure where necessary to be in harmony with the surrounding area.

The existing appearance will be maintained, consistent with the rest of the plaza, and only signage and minimal window treatment (tinting, to limit visibility into the store) will be made.

740.4 – Limitation of size, number of occupants, methods or time of operation, or extent of facilities.

The applicant's facility complies with all sizing requirements for a state regulated cannabis retail dispensary.

The establishment will comply with all occupancy requirements, ensuring that customers inside are limited as needed, and the staff and security guard will be trained to monitor the customer counts.

The Collective's dispensary will comply with the local regulations when it comes to hours of operation for a retail establishment. The proposed hours will be as follows:*

| | |
|--------------------|-------------------|
| <i>Monday:</i> | <i>9AM – 8PM</i> |
| <i>Tuesday :</i> | <i>9AM – 8PM</i> |
| <i>Wednesday:</i> | <i>9AM – 8PM</i> |
| <i>Thursday:</i> | <i>9AM – 8PM</i> |
| <i>Friday:</i> | <i>9AM – 9PM</i> |
| <i>– Saturday:</i> | <i>10AM - 5PM</i> |
| <i>– Sunday:</i> | <i>9AM – 9PM</i> |

740.5 – Regulation of number, design, and location of access drives or other traffic features including pedestrian ways.

The applicant plans on using all existing parking and access drives in the general plaza. There will be no additional parking or access drives needed by the retail customers for this dispensary.

740.6 – Requirement of off street parking or other special features beyond the minimum required by these Regulations or other applicable codes or regulations.

Existing retail space and the plaza parking is more than adequate, and adheres to all local regulations.

740.7 – Regulation of the number, type and location of outdoor lighting facilities.

The applicant plans on using the existing outdoor lighting facilities used by the prior bank as it should be sufficient for adequate security and safety. The lights will be dark sky compliant and our security cameras are designed to work with limited or no light.

740.8 – Any data, plans, or drawings, including architect's plans or drawings, voluntarily submitted by the applicant or his duly authorized agent in support of this application and not required by this and other applicable sections of these

Regulations may be accepted in whole or in part by the Commission and may be made additional requirements and conditions of the permit when granted.

750 – condition of approval

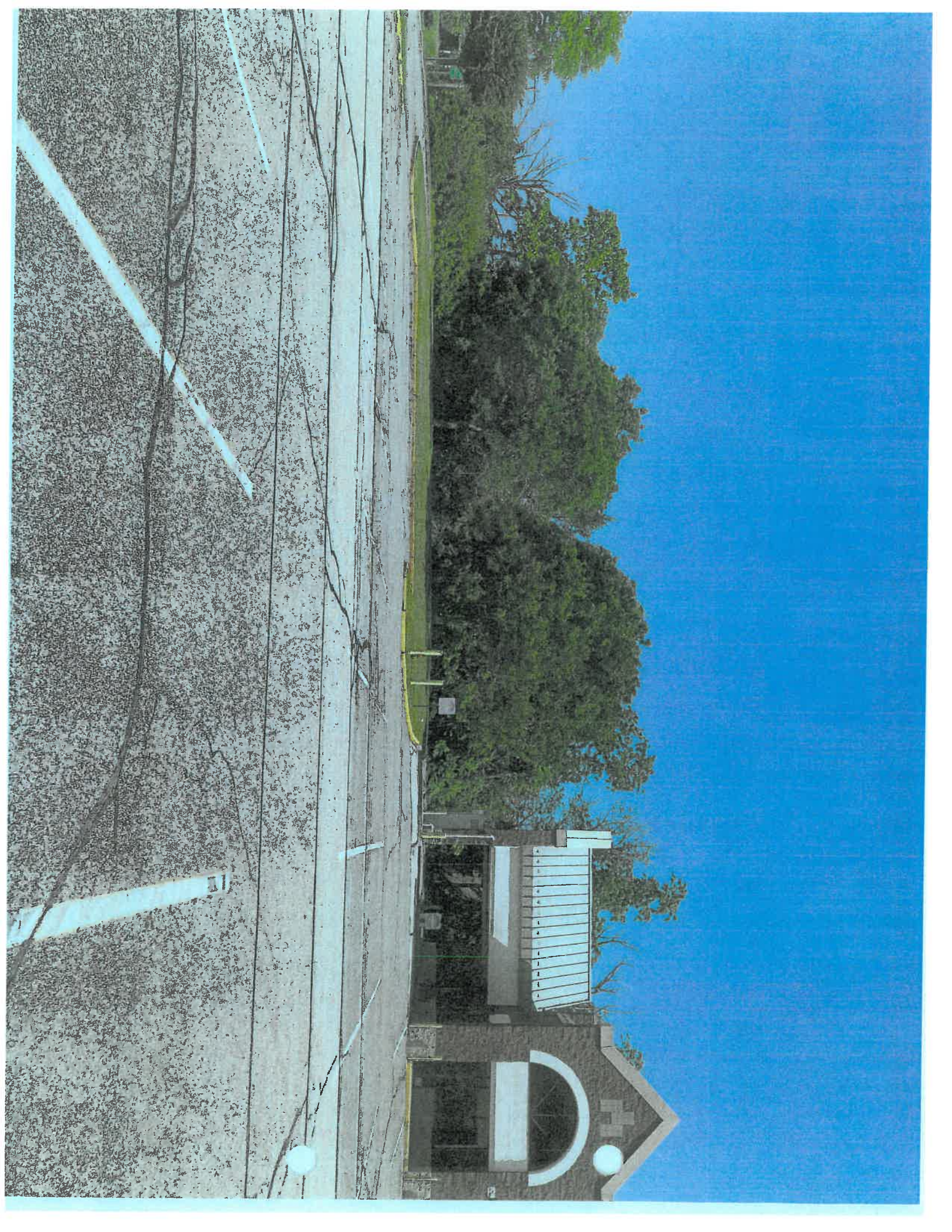
760 – Certificate of Occupancy

770 – Revisions and extensions

780 – Resubmissions

790 - bonding

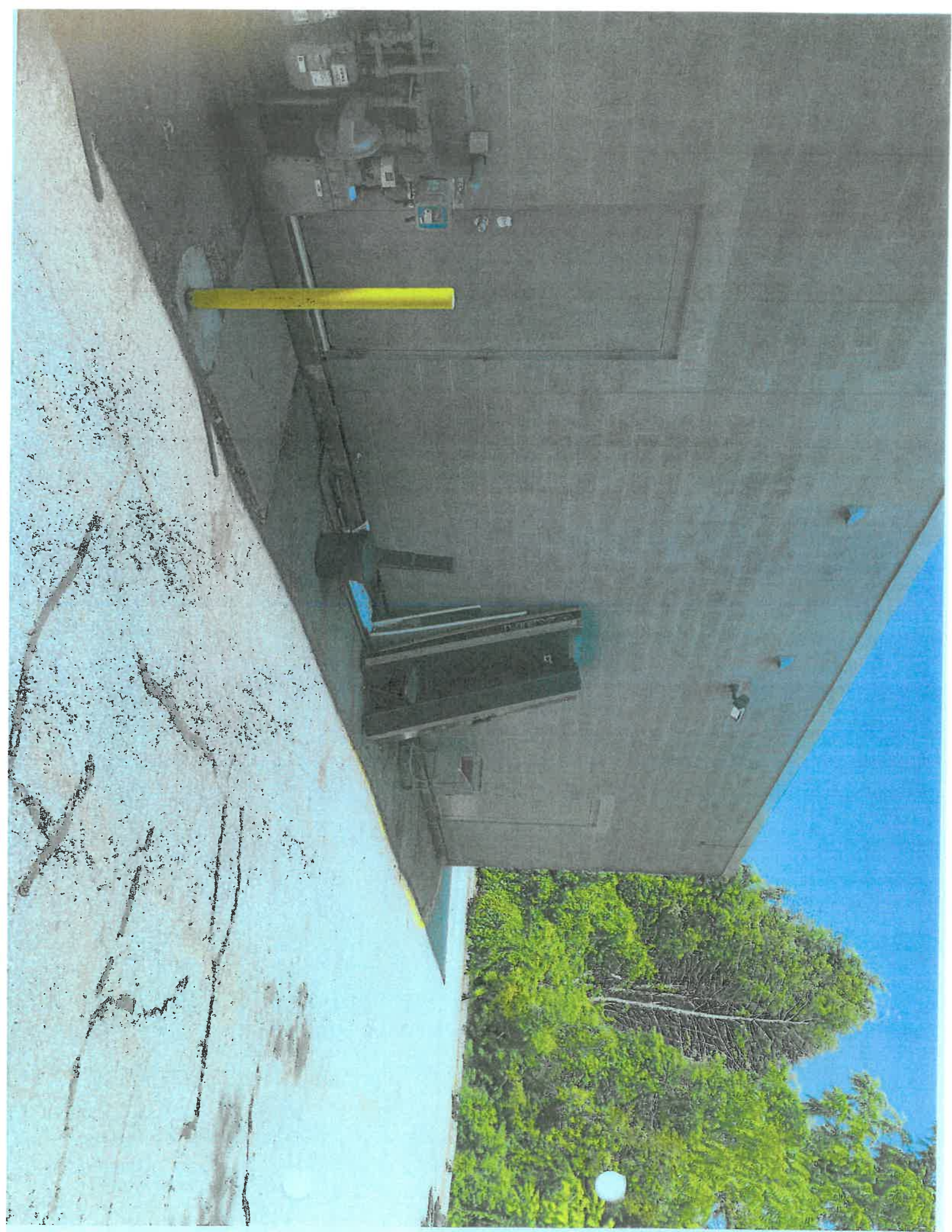


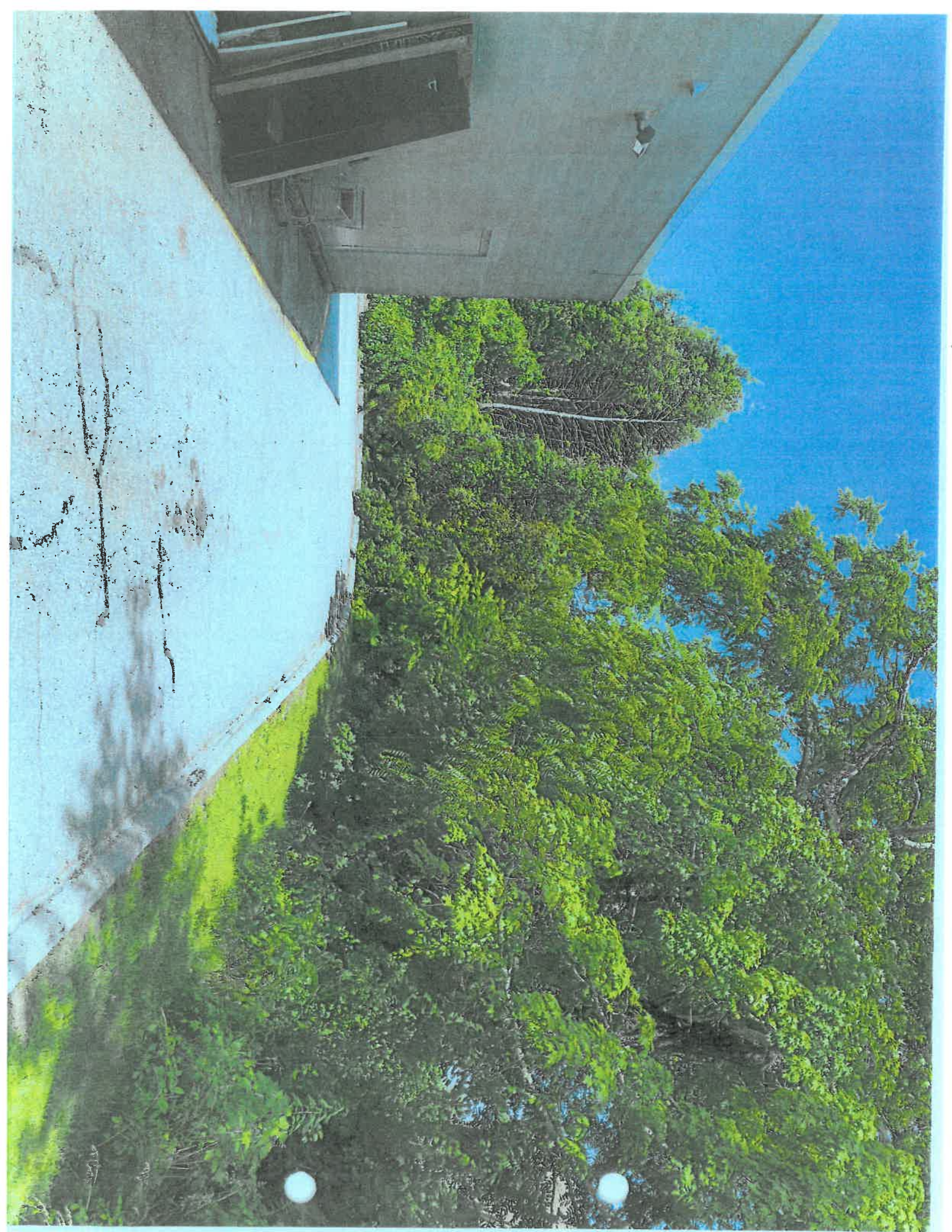


















TOWN OF KILLINGLY, CT
PLANNING AND ZONING COMMISSION

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

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 7:02 p.m.

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

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) – Patrick Doherty, MidPoint Engineering & Consulting, LLC; Ulla Tiik-Barclay, Town Council Liaison; J.S. Perreault, Recording Secretary.

There were three additional people seated in the audience.

Present via Webex: None.

II. **SEATING OF ALTERNATES** – None.

III. **AGENDA ADDENDUM** – None.

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

NOTE: 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.

Keith Thurlow read aloud the above information.

There were no comments from the public either in person or online.

RECEIVED
TOWN CLERK, KILLINGLY, CT
2022 AUG 22 AM 11:56
Elizabeth M. Quisenberry

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

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

NOTE: PUBLIC HEARING 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 Hearing comments received will be posted on the Town's website www.killinglyct.gov.

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 2633 171 9426 when prompted

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.**

Patrick Doherty, MidPoint Engineering & Consulting, LLC, represented the Applicant and gave an overview:

- The Applicant has owned the plaza for 15 years and has had difficulty renting out the end unit.
- There was interest in opening a liquor store there, but another party had applied for the last remaining liquor license in Town. Mr. Doherty explained that they do not have a tenant right now, but hope to be able to market it to another liquor store in Town that wants to relocate.
- Mr. Doherty addressed items left open from the previous public hearing:
 - Hours of Operation (as local and State requirements allow): Monday – Saturday 8 a.m. to 9 p.m.
Sunday – 10 a.m. to 5 p.m.
 - Bottle Returns: He said that there could be a condition that they be placed in the storeroom.
 - Parking: The parking analysis that was done had proposed this space to be retail sales and that no more than 80 percent (7,350 s.f.) would be sales floor.
 - Liquor Stores within the vicinity: Cost Cutters; Lucky's; Dayville Fine Wines & Spirits; Captain Jack's; Danielson Liquors. He explained that the concentration of stores in one area is due to proximity to Route 395/State Highway.
 - They reached out to the Resident Trooper and local Fire regarding accidents. Mr. Doherty explained that there are no official records of accidents on private property and there was no concern, in general, of this plaza being a safety hazard. They have done some renovations to the parking lot: added striping; signs are maintained. They feel that the plaza operates adequately. Liquor stores generate about the same traffic as stand-alone pharmacies or grocery stores. However, in the shopping center environment, a lot of the trips are cross trips. They feel that there is plenty of parking and that the driveway will function as it is now.
 - Mr. Doherty addressed Special Permit Criteria: Submitted As-Built Survey that would serve as the Site Plan; only renovating the interior of the existing building; existing plaza, not proposing to expand it and they believe it to be an appropriate location; when they renovated the parking lot they added handicap striping, cross walks, striped fire lane so, they feel that the traffic pattern is adequate; in a commercial district, no residential homes, they feel that the use fits in with the shopping center; in the commercial district away from schools and churches; regarding potential nuisance, they are proposing to add HVAC on the roof, not proposing any exterior coolers; the site plan is in compliance with the Zoning Regulations.

QUESTIONS/COMMENTS FROM THE COMMISSION AND STAFF:

- Keith Thurlow asked if a parking analysis had been done for all the businesses. Mr. Doherty explained that it was done in 2008 based on how many parking spaces were required for Beit Bros and Ames. He said that they have provided an updated calculation each time a new business came in (the latest was for Harbor Freight in 2016). It would still be in compliance under this proposal. He explained that there are a lot of parking spaces to the east of the building that are not used at all during normal operations of the plaza. Ms. Lorents suggested bringing attention to those parking spaces. Mr. Doherty offered that, if there are issues, they could put a small sign on the building with an arrow pointing to "Additional Parking." Mr.

Thurlow commented that there is usually a loader with a box plow in that area. Mr. Doherty stated that the plow is stored there and agreed to put it more toward the rear.

- Mr. Thurlow asked about coolers.

Mr. Doherty stated that they would all be inside and that they would be adding HVAC on this section of the building.

- Ann-Marie Aubrey clarified that this would just open it up to a possible tenant because there are no State licenses at this time.
- Jill St. Clair commented about the convenience of the location.
- John Sarantopoulos asked, if approved, how long the special permit would be in effect.
Ms. Aubrey stated that it runs with the land.

There were no further comments.

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

Second by John Sarantopoulos. No discussion.

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

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. **CONT FROM 07/18/2022 – APPLICANT REQUESTS CONTINUANCE TO SEPT. 19, 2022.**

Motion was made by Virge Lorents to continue the public hearing for **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, September 19, 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 (5-0-0).

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.**

Motion was made by Brian Card to approve **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), with the following two conditions:

- That any deposit container storage be inside the building. No outdoor storage.
- That floor retail space be limited to 80 percent.

Second by Virge Lorents. No discussion.

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

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

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. **CONT FROM 07/18/2022 – APPLICANT REQUESTS CONTINUANCE TO SEPT. 19, 2022.**

Continued to September 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.**

Ann-Marie Aubrey stated that the Application appears to be complete.

Motion was made by Matthew Wendorf to receive **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, and schedule a public hearing for the next regularly scheduled meeting of the Planning and Zoning Commission to be held on Monday, September 19, 2022, 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 (5-0-0).

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

1) Regular Meeting Minutes – JULY 18, 2022

Brian Card noted a correction to Page 6, Fifth Bullet Point, Item 3, word missing in the sentence. Add the word “require.”

Motion was made by Brian Card to approve the Regular Meeting Minutes of July 18, 2022, as per the correction noted during discussion:

- Page 6, Fifth Bullet Point, Item 3, to read as follows: “We do not require any SDU’s to meet the requirements of affordable housing.”

Second by Virge Lorents. There was no further discussion.

Motion carried unanimously by voice vote (4-0-1). Brian Card abstained.

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.**

Motion was made by Virge Lorents to approve a three-year extension for **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. Second by Matthew Wendorf.

Discussion: Brian Card asked if the State permits are current. Staff will verify.

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

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; Map 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.**

Brian Card asked about the maximum amount of years allowed. Ms. Aubrey explained that it is by State Statute and, per the Town Attorney, one more extension of five years could be allowed (maximum of 19 years). Mr. Card suggested that the Subdivision Regulations be looked at and that the language be cleaned up.

Motion was made by Brian Card to grant a four-year extension for **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; Map 143, Lot 6; Rural Development Zone; Phase ~ 150 acres; total parcel ~645 acres, to November 1, 2027 with the following two conditions:

- That the original approval letter from February 7, 2014, be incorporated into this extension;
- That the bonding requirement at the time of starting construction be re-submitted to Staff and confirmed with the Town Engineer and approved prior to starting.

Second by Virge Lorents. There was no further discussion.

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

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.**

Ann-Marie Aubrey explained that the Engineer and the Surveyor were working with the CT DOT. They weren't going to file plans that weren't approved by the CT DOT as well. CT DOT lapsed regarding timeframes, so they are asking for an extension. She recently received a letter from CT DOT indicating that it was approved, but there was just a small change that needed to be done on the map.

Motion was made by Matthew Wendorf to approve a 60-day extension for **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), to Friday, September 16, 2022.

Second by Brian Card. No discussion.

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)

Jon Blake reported that ZBA did not meet due to no applications.

B. Inland Wetlands and Watercourses Agent's Report

Jon Blake reported that the IWWC did not meet due to no applications and also due to no quorum of members. They need one more member to meet quorum.

C. Building Office Report – No report.

XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT

Jill St. Clair reported on Economic Development activities.

XIV. TOWN COUNCIL LIAISON REPORT

Ulla Tiik-Barclay reported on the recent actions and of the Town Council.

At this time, Ann-Marie Aubrey explained that copies of the Resolution for the Town to Opt-Out of the Accessory Dwelling Units had been included in packets to Commission Members to incorporate into their copies of the Regulations. Also provided to Commission Members was the Cannabis Regulations to incorporate.

XV. ADJOURNMENT

Motion was made by Virge Lorents to adjourn at 7:38 p.m.

Second by John Sarantopoulos. No discussion.

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

Respectfully submitted,

J.S. Perreault
Recording Clerk

Killingly Engineering Associates
Civil Engineering & Surveying

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



September 16, 2022

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

Subject: Special Permit #21-1277 – American Storage Centers, LLC – 551 Westcott Rd, Killingly

Dear Chairman & Commission members:

As agent for American Storage Center, LLC, We are requesting a 30 day extension to record the site plan mylars for the approved special permit.

Thank you for your consideration on this matter.

Sincerely:

Greg A. Glaude, L.S.
Killingly Engineering Associates, LLC

RECEIVED

SEP 16 2022

PLANNING & ZONING DEPT.
TOWN OF KILLINGLY

LEGAL NOTICES TOWN OF KILLINGLY
Inland Wetlands and Watercourses Commission (IWWC)

On August 8, 2022, the Killingly IWWC Authorized Agent took the following action:

- A. App #22-1548 of Crista Nolan** for removal of existing concrete stairs to be replaced with granite stairs and rebuild stone wall at the water's edge; 1781 Upper Maple St; Map ID 5350, Alt ID 81-12; ALZOD / LD – **APPROVED W/ CONDITIONS.**

On August 15, 2022, the Killingly IWWC Authorized Agent took the following action:

- A. AP #13-1384, Bldg. America Co, LLC (Tri-Lakes),** Phase 1 of a 31-lot subdivision; 520 Bailey Hill Road; GIS Map 143; Lot 6; 643 acres; RD – Extension Requested – **APPROVED.**

On August 25, 2022, the Killingly IWWC Authorized Agent took the following action:

- A. App #22-1549 of Gospel Light Christian Fellowship** for construction of a church (75' x 100') with associated grading, parking, septic and well; 726 Providence Pike; Map ID 5722, Alt ID 212-22; RD – **APPROVED W/ CONDITIONS.**

On September 13, 2022, the Killingly IWWC Authorized Agent took the following action:

- A. App #22-1550 of Scott Person** for selective timber harvest (70,000 board feet); 200 Putnam Pike; Map ID 9553, Alt ID 90-1; RD – **EXEMPT.**
- B. App #22-1551 of Scott Wheaton** for demolition of existing cottage and construction of four-bedroom home; 252 No Shore Rd; Map ID 711883, Alt ID 82-17.001; ALZOD / LD – **APPROVED.**
- C. App #22-1552 of Janice Bosworth** for a 14' x 22' addition to existing cottage; 235 No. Shore Rd; Map ID 710555, Alt ID 82-2.001; ALZOD / LD – **APPROVED.**

Jonathan Blake, Planner 1 / ZEO / IWWC Authorized Agent