



**TOWN OF KILLINGLY, CT  
ZONING BOARD OF APPEALS  
Thursday – August 10, 2023**

Regular Meeting – Hybrid  
7:00 PM  
Town Meeting Room – 2<sup>nd</sup> Floor  
Killingly Town Hall  
172 Main Street  
Killingly, CT

**MINUTES**

RECEIVED  
TOWN CLERK, KILLINGLY, CT  
2023 AUG 14 AM 8:19  
Elizabeth M. Quisenberry

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- I. **CALL TO ORDER CALL TO ORDER** – Chair, Andrew Farner called the meeting to order at 7:33 p.m. (due to technical issues).
- II. **ROLL CALL** - Lynn LaBerge (Vice-Chair); William Menghi; and Andrew Farner (Chair) were present in person. David Izzo, Sr. was present via online.

**Staff Present** – Jonathan Blake, Planner I and Zoning Enforcement O (present in person).

**Others Present** – Norm Thibeault, Killingly Engineering Associates; and J.S. Perreault, Recording Secretary.

**Others Present via Online** – None.

- III. **CITIZEN PARTICIPATION** -- Public comment can be emailed to [publiccomment@killinglyct.gov](mailto:publiccomment@killinglyct.gov) or mailed to Town of Killingly, 172 Main Street, Killingly, CT 06239 on or before the meeting. All public comments received prior to 2:00 PM on the day of the meeting will be posted on the Town's website [www.killingly.org](http://www.killingly.org).

Andrew Farner read aloud the above public participation information.

Jon Blake stated that no public comments had been received in the Office.

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

IV. **PUBLIC HEARINGS – (Review/Discussion/Action)**

1. **Application #23-834 of Michael Shabenas**; to vary the Town of Killingly Zoning Regulations Section 450; Dimensional Requirements – Table A; Min. setback from street line from 40' to 21.8', for a two-bedroom home. Property located at 254 Wheatly St; GIS MAP 159, LOT 116.1; MD.

**Norm Thibeault**, Killingly Engineering Associates, represented the Applicant and gave an overview. Plans were displayed and were included in packets to Board Members.

- The parcel is slightly over .25 acre in size.
- Proposing a small, single-family home.
- The Applicant purchased the property with the understanding that he would have access to public water and sewer.
  - There is public water and sewer on North Main Street and the end of Davis Road. There is no water service, but the waterline is along the edge of Davis Road and is easily accessible, therefore, this is not problematic.

- However, the sanitary sewer stub is on the adjacent property, not on this particular property. The Killingly Sewer Ordinance is clear that you cannot connect to a sanitary sewer service through another property. Mr. Thibeault explained that the sanitary sewer line is all the way on the other side of Route 12, is approximately 12 feet deep and currently, there is a moratorium on disturbing the road on Route 12 due it having been paved less than five years ago. The State will not allow disturbance unless there is an emergency, such as a break in the sewer line.

They looked at another alternative – Mr. Thibeault explained where there is a sanitary sewer on Davis Road, however, this would have to be a pump system and they would have to tunnel through the wetlands underneath Davis Brook. Mr. Thibeault explained that they did soil testing on the lot and, fortunately, they found that the soils are all sands and gravels which would require a non-engineered system, which they would be able to fit in a very small footprint. They received approval from the NDDH. To make it work, they used the minimum separation distance, from the house, of ten feet because it is just going to be a slab on grade (no foundation or footing drain which would have required 25 feet).

Mr. Thibeault explained that the Health Code requirement of 50 feet from an open watercourse prevents them from putting the septic system in front of the house on the south side.

Mr. Thibeault explained that they looked at reducing the setback from Wheatley Street where the frontage is, which is what they are asking for a variance for. Regulations in Medium Density Zone require 40 feet as a front yard setback. They are proposing a 21.8-foot setback from the property line, which he explained will be almost 50 feet away from Wheatley Street because of the shoulder. They will keep a nice vegetated buffer there.

- The intent was that Mr. Shabenas would build a house for his daughter.

#### **STAFF COMMENTS:**

**Jon Blake** referred to the Staff Report (included in packets). He commented about the Brook that runs through the southern portion cutting down on the useable space/acreage regardless of setbacks. Due to the septic system, this Application will have to go back before the IWWC which had previously looked at it with the assumption of access to public utilities.

#### **QUESTIONS/COMMENTS FROM THE BOARD:**

**Lynn LaBerge** asked if the driveway would interfere with wetlands.

Mr. Thibeault explained that the driveway would come off of Wheatley Street, formerly known as the Wheatley Street Extension. He said that there is already a portion of the road that goes over Davis Brook where there are existing twin, 30-inch pipes. He said that there will be no disruption or impact of any kind to the wetlands.

There were no further questions or comments.

Motion was made by David Izzo to close the public hearing for **Application #23-834 of Michael Shabenas**; to vary the Town of Killingly Zoning Regulations Section 450; Dimensional Requirements – Table A; Min. setback from street line from 40' to 21.8', for a two-bedroom home. Property located at 254 Wheatly St; GIS MAP 159, LOT 116.1; MD.

Second by Lynn LaBerge. No discussion.

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



**V. UNFINISHED BUSINESS – (Review/Discussion/Action)**

1. **Application #23-834 of Michael Shabenas;** to vary the Town of Killingly Zoning Regulations Section 450; Dimensional Requirements – Table A; Min. setback from street line from 40' to 21.8', for a two-bedroom home. Property located at 254 Wheatly St; GIS MAP 159, LOT 116.1; MD.

Motion was made by David Izzo to approve **Application #23-834 of Michael Shabenas;** to vary the Town of Killingly Zoning Regulations Section 450; Dimensional Requirements – Table A; Min. setback from street line from 40' to 21.8', for a two-bedroom home. Property located at 254 Wheatly St; GIS MAP 159, LOT 116.1; MD.

Second by William Menghi.

Discussion:

Mr. Izzo explained that his reason for approval is the hardship due to being unable to get to the public sewer and trying to accommodate this taxpayer to be able to put a house there instead of having a vacant lot.

Roll Call Vote: David Izzo – yes; Lynn LaBerge – yes; William Menghi – yes; Andrew Farner – yes.

Motion carried unanimously (4-0-0).

**VI. NEW BUSINESS**

**Annual Organizational Meeting**

1. Review of By-Laws (Review/Discussion/Action)

There was discussion and Ms. LaBerge commented that the Board, during the previous review, had changed the Agenda to match the By-Laws.

There were no changes proposed.

2. Election of Officers (Review/Discussion/Action)

- i. Meeting turned over to Staff Liaison.
- ii. Call for nominations.
- iii. Verify acceptance by nominees.
- iv. Call for a vote.
- v. Meeting turned back to new Chair.

Jon Blake called for nominations. He explained options: the Members could either nominate each position individually, Chair and Vice Chair, or if the same slate of Officers is wanted to continue, they could be nominated together.

Motion was made by David Izzo to nominate the same slate of Officers: Andrew Farner for Chair and Lynn LaBerge for Vice Chair.

Second by William Menghi.

Discussion:

Mr. Farner and Ms. LaBerge accepted their nominations.

There were no other nominations.

Motion was made by Lynn LaBerge to close nominations.

Second by David Izzo. No discussion.

Motion carried unanimously (4-0-0).

Roll Call Vote on Motion #3 to Nominate Andrew Farner as Chair and Lynn LaBerge as Vice Chair: Lynn LaBerge – yes; David Izzo – yes; William Menghi – yes; Andrew Farner – yes.

Motion carried unanimously (4-0-0).

The meeting was turned over to Chair, Andrew Farner.

**VII. ADOPTION OF MINUTES**

**1. April 13, 2023, Regular Meeting**

Motion was made by David Izzo to adopt the Minutes of the Regular Meeting of April 13, 2023, as presented.

Second by William Menghi. No discussion.

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

**VIII. CORRESPONDENCE TO THE BOARD – None.**

**IX. COUNCIL LIAISON – No representation.**

**X. ADJOURNMENT**

Motion was made by Andrew Farner to adjourn at 7:51 p.m.

Second by David Izzo. No discussion.

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

Respectfully submitted,

J.S. Perreault

Recording Secretary