



TOWN OF KILLINGLY, CT
PLANNING AND ZONING COMMISSION

MONDAY – OCTOBER 17, 2022

**Regular Meeting – HYBRID MEETING
7:00 PM**

TOWN MEETING ROOM – 2ND FLOOR

Killingly Town Hall

172 Main Street

Killingly, CT

THE PUBLIC IS ALLOWED TO ATTEND THE MEETING IN PERSON
OR THE PUBLIC MAY VIEW THIS MEETING AS DESCRIBED BELOW

AGENDA

THE PUBLIC CAN VIEW THIS MEETING ON FACEBOOK LIVE.

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

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

NOTE: Public comments can be emailed to publiccomment@killinglyct.gov or mailed to the Town of Killingly, 172 Main Street, Killingly, CT 06239. All public comment must be received prior to 2:00 PM the day of the meeting. Public comment received will be posted on the Town's website www.killinglyct.gov.

NOTE: To participate in the CITIZENS' COMMENTS– the public may join the meeting via telephone while viewing the meeting on Facebook live.

To join by phone please dial 1-415-655-0001; and use the access code 2630 319 6957 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.

RECEIVED
TOWN CLERK, KILLINGLY, CT
2022 OCT 14 AM 8:52
Elizabeth M. Winters

To join by phone please dial 1-415-655-0001; and use the access code 2630 319 6957 when prompted

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. **CONT. FROM 09/19/2022**

2) **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.

Hearings' segment closes.

Meeting Business will continue.

VII. UNFINISHED 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. **CONT. FROM 09/19/2022**

2) **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.

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

1) **Special Permit Ap #22-1298** – Melissa Frink; (Davin Pensak / Owner); 330 State Avenue; GIS MAP 111; LOT 16; ~0.44 acres; Low Density Zone; request special permit to allow home occupation in a building outside the residence in the garage / "Wizard of Pawz Pet Grooming"; under Section 410.2.1.h; Section 595.1(A-M); and Section 595.2; and Article VII (Special Permits). **Receive application and schedule for a public hearing on Monday, November 21, 2022.**

2) **Review under §8-24 Ap # 22-1299** – Town of Killingly; pre-conceptual review of the proposed "The Brickyard Plaza and Art Park"; parking lot area behind Main Street, the Elks Club.

(*) Applications submitted prior to 5:00 PM on TUESDAY, OCTOBER 11, 2022 – will be on the agenda as New Business, with a "date of receipt" of MONDAY, OCTOBER 17, 2022, and may be scheduled for action during the next regularly scheduled meeting of **MONDAY, NOVEMBER 21, 2022.**

(*) Applications submitted by 11:30 AM on FRIDAY, OCTOBER 14, 2022, will be received by the Commission ("date of receipt") on MONDAY, OCTOBER 17, 2022. However, these applications may not be scheduled for action on MONDAY, NOVEMBER 21, 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 – SEPTEMBER 19, 2022.

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

1) **Zone TEXT Review** – General Commercial vs. Business Park – next steps after the workshop held on Monday, October 17, 2022, at 6:00 pm in the Town Meeting Room.

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) **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 Added - October 17, 2022

- 1) Correspondence dated September 30, 2022 – Re: ADA Required Parking
- 2) New Site Plan Review Map showing the 25 ft set back – buffer

Documents Sent for September 19, 2022

- 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 for October 17, 2022

- 1) Legal Notice posted in the Town Clerk's Office (cont. – Sep 22, 2022) (hearing – Oct 3, 2022)
- 2) Legal Notice published in the Norwich Bulletin on Thursday, Oct 6, 2022, and Tuesday, Oct 11, 2022

Legal Notices for September 19, 2022

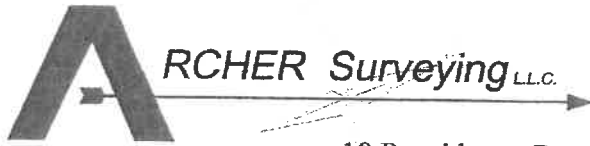
- 1) Legal Notice posted in Town Clerk's Office on September 1, 2022
- 2) Legal Notice published in Norwich Bulletin on Tuesday, Sept. 6, 2022, and Monday, Sept. 12, 2022.
- 3) Public Hearing Placards were posted at the location as required under the TOK Zoning Regulations

STAFF COMMENTS FOR OCTOBER 17, 2022

- 1) Commission asked for the following –
 - a) hours of operation to be corrected,
 - b) show the 25-foot vegetation buffering to verify it is on the applicant's real estate,
 - c) asking that parking calculations be shown on the plan,
 - d) asked for the details of the lighting be put on the plans

STAFF COMMENTS AND SUGGESTIONS – September 19, 2022

- 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



ARCHER Surveying LLC



18 Providence Road, Brooklyn CT 06234
Phone: 860-779-2240 / 860-928-1921 Fax: 860-779-2240

September 30, 2022

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

RE: ADA Required Parking, Nutmeg Killingly JV LLC, 1170 North Main Street, Dayville, CT.

Commissioners,

I have reviewed the above referenced plan for compliance with number and type of ADA accessible parking spaces. According to Section 530 of your Regulations, a parking space must be provided for every 300 SF of Gross Floor area. The GFA for the plaza is 76,000 SF, requiring 254 parking spaces. The current marking pattern indicates that there are 363 spaces, no doubt from some earlier requirements.

The requirement for ADA Accessible spaces is based on the total number of spaces required, as shown on the table below.

RECEIVED

OCT 12 2022

PLANNING & ZONING DEPT.
TOWN OF KILLINGLY

Minimum Number of Accessible Parking Spaces
 ADA Standards for Accessible Design 4.1.2 (5)

Total Number of Parking spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (60" & 96" aisles)	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
Column A			
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of total parking provided in each lot	1/8 of Column A*	7/8 of Column A**
1001 and over	20 plus 1 for each 100 over 1000	1/8 of Column A*	7/8 of Column A**

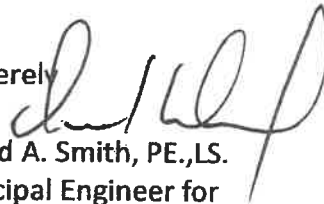
* one out of every 8 accessible spaces

** 7 out of every 8 accessible parking spaces

With your current requirements, 7 ADA spaces (1 van accessible and 6 conventional ADA spaces) would be required. Currently there are 8 such spaces and at least 1 is large enough to be consider van accessible.

It is my opinion that the current configuration and sizing of the ADA spaces is appropriate for this plaza.

Sincerely,



David A. Smith, PE.,LS.
 Principal Engineer for
 Archer Surveying

RECEIVED

OCT 12 2022

PLANNING & ZONING DEPT.
 TOWN OF KILLINGLY

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 21a-408-62, 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:*

Monday:	9AM – 8PM
Tuesday :	9AM – 8PM
Wednesday:	9AM – 8PM
Thursday:	9AM – 8PM
Friday:	9AM – 9PM
~ Sunday:	9AM – 9PM
~ Saturday:	10AM - 5PM

** 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

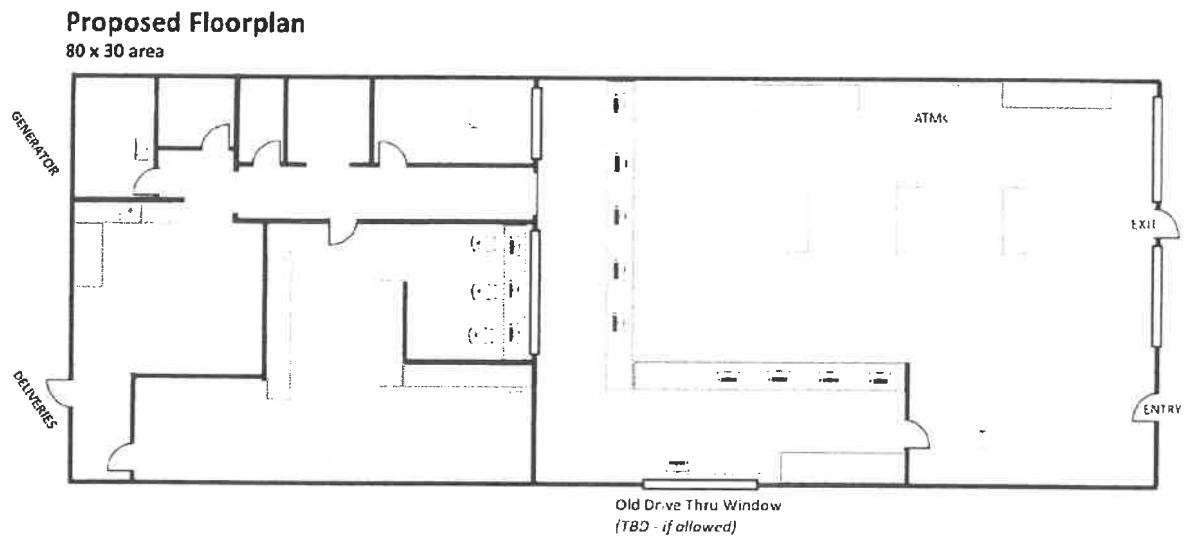
Preliminary architectural plans of all proposed buildings, structures and signs, including:

- 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:*

Monday:	9AM – 8PM
Tuesday :	9AM – 8PM
Wednesday:	9AM – 8PM
Thursday:	9AM – 8PM
Friday:	9AM – 9PM
– Saturday:	10AM - 5PM
– Sunday:	9AM – 9PM

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.

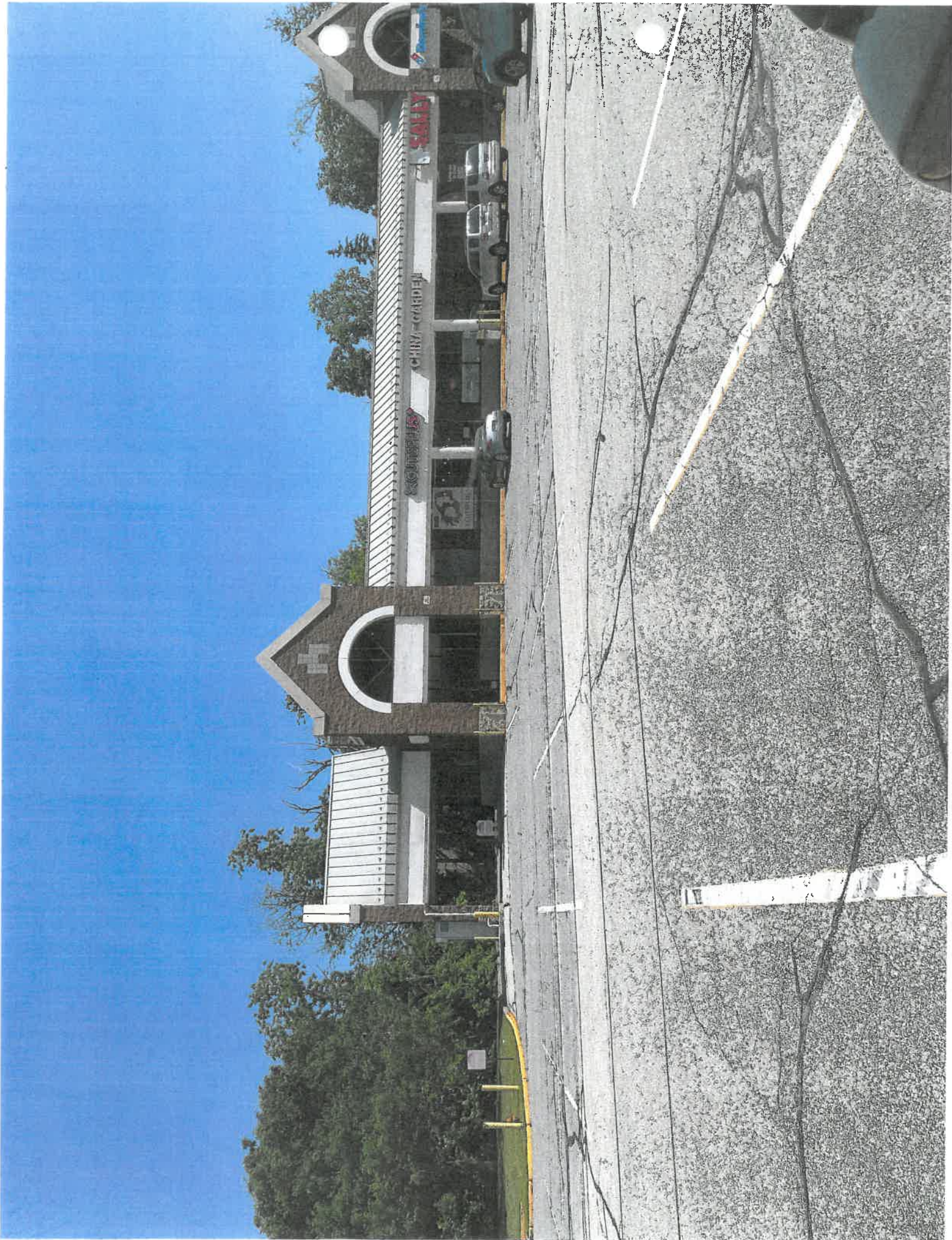
750 – condition of approval

760 – Certificate of Occupancy

770 – Revisions and extensions

780 – Resubmissions

790 - bonding

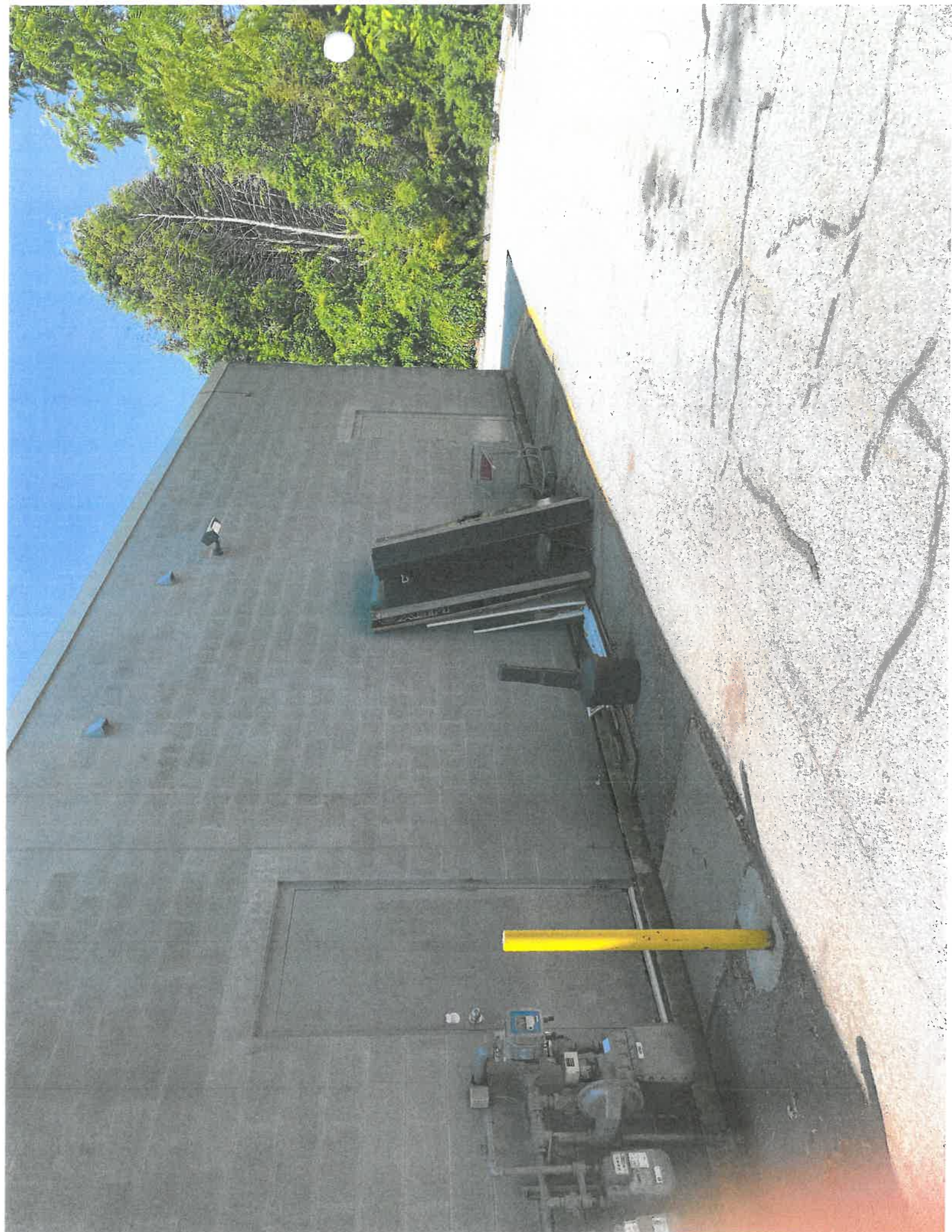




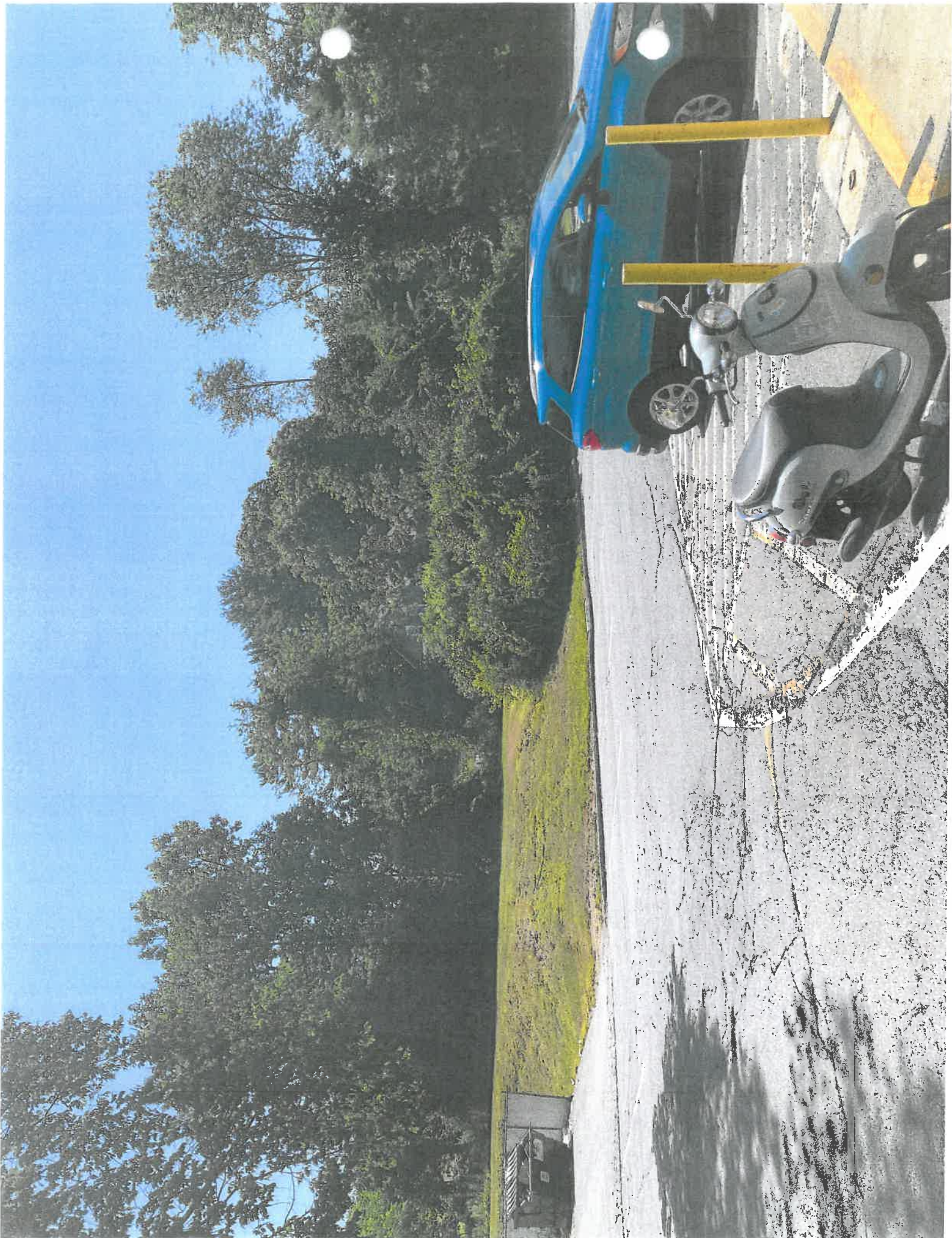


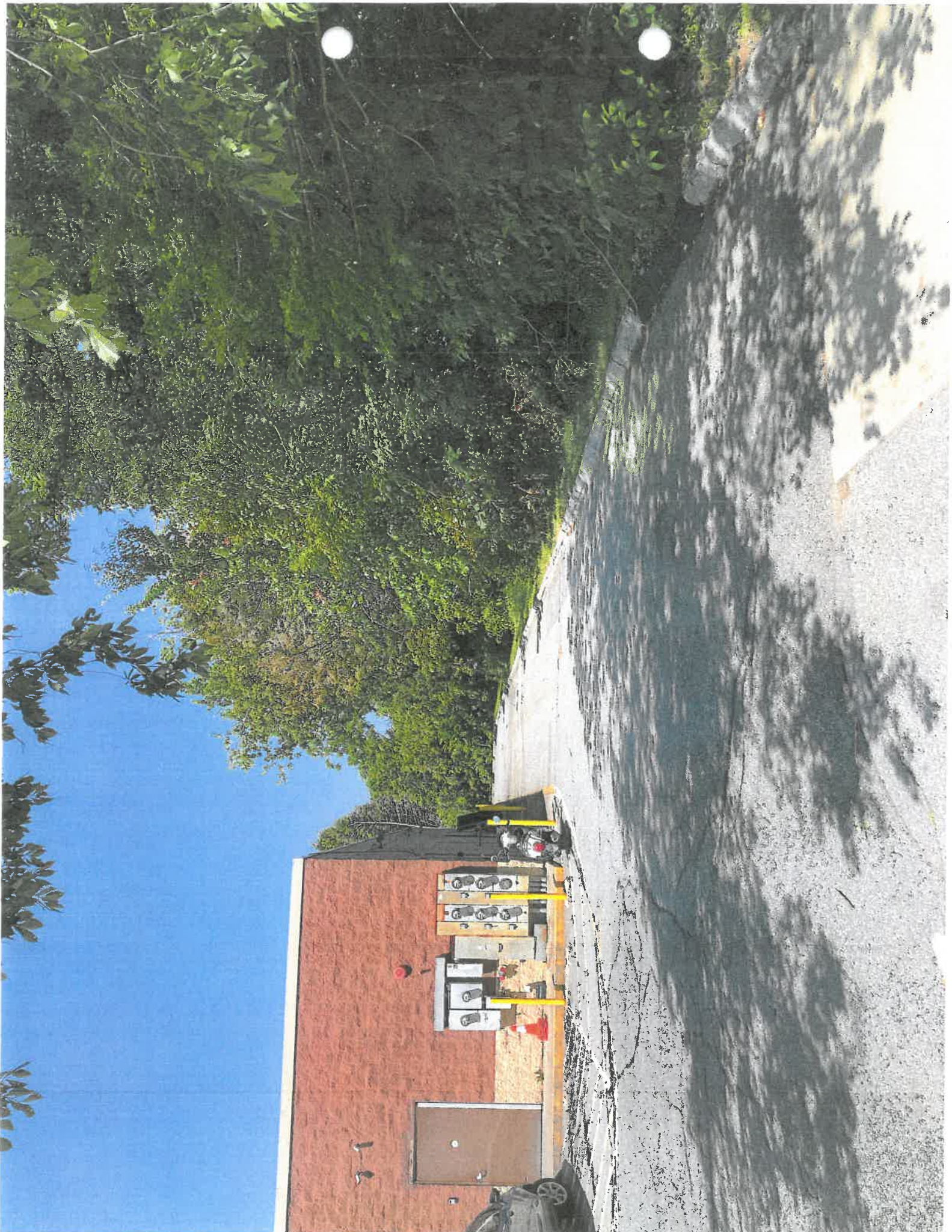












VI. PUBLIC HEARINGS – (review / discussion / action)

2) 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.

Legal Notices – 10/17/2022

- 1) Legal Notice was posted in the Town Clerk's Office on October 3, 2022
 - 2) Legal Notice was published in the Norwich Bulletin on Thursday, October 6, 2022 & Tuesday, October 11, 2022
 - 3) Placard was posted at the site and was seen by the Zoning Enforcement Official – Oct. 7, 2022
-

Background

After the 2010 – 2020 POCD approval, this parcel (which was previously zoned Low Density Residential) was one of many of the parcels re-zoned by the Planning Zoning Commission. I believe the prior owner of the property was agreeable to the change.

However, when the property was sold to the current owner it was being used as a residence, was bought as a residence, and remains a residence to this date.

The current owner is now before the commission requesting the zone be changed back to low density residential. He wants to put solar panels on the roof; however, the solar company will not install any panels for a residence in a general commercial zone.

Staff Recommendations

- 1) Staff does not see a problem with reversing the zoning back to a low-density residential zone for the following reasons
 - a) it was zoned low-density residential at one time,
 - b) it abuts a large low-density zone,
 - c) it was and continues to be used as a residence,
 - 2) Staff also feels that it would be a burden to the applicant if the commission required the applicant to get a survey done – when the commission changed the zone it did not have a survey done – and the parcel has not changed since
-



October 3, 2022

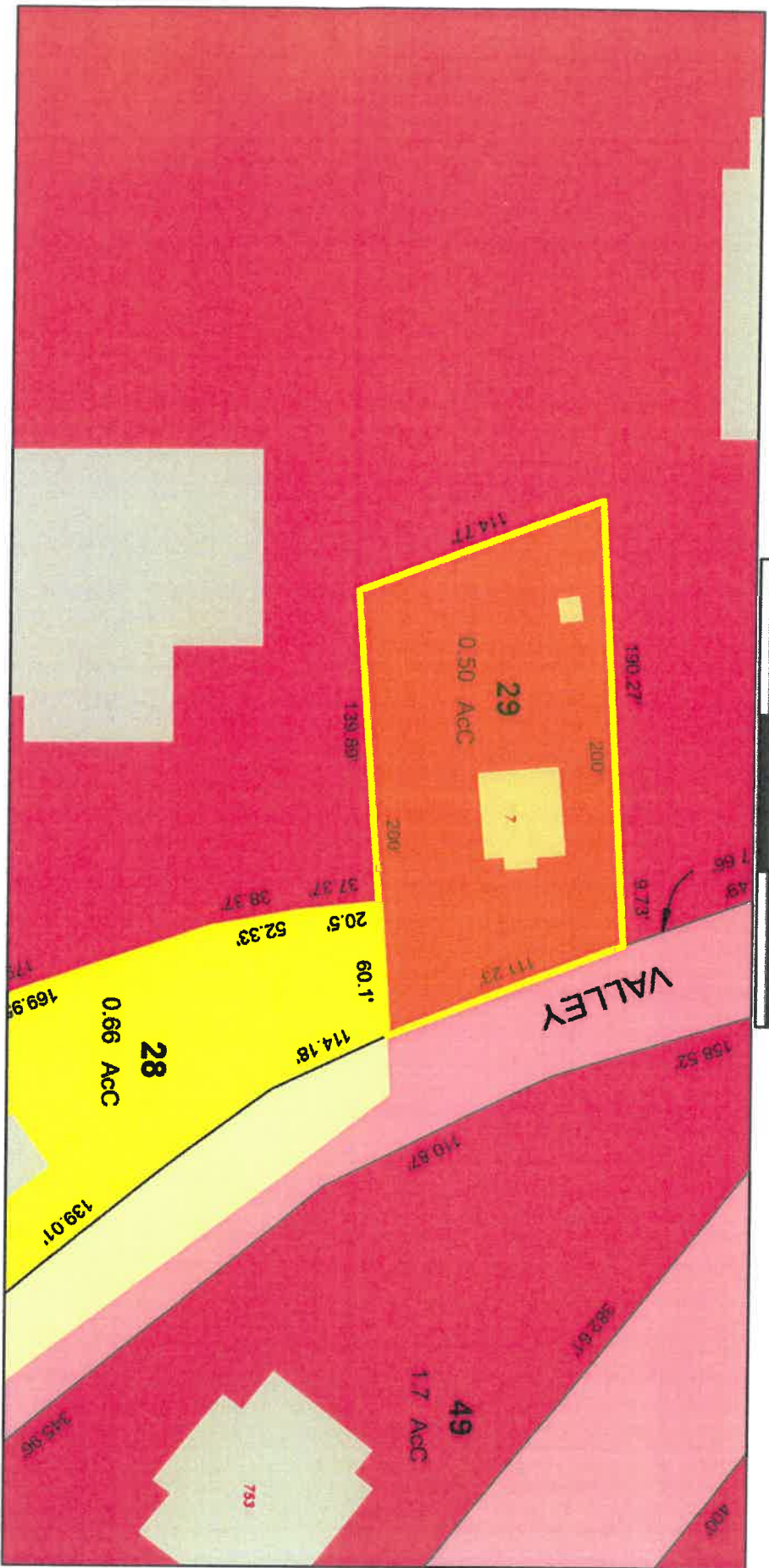
7 Valley Road

Killingly, CT

1 inch = 70 Feet



www.cai-tech.com



General Commercial

Buildings

PROPERTY LINE

Low Density Residential

Arrowheads

ROAD

Right of Ways

Leaders

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



7 Valley Road

Killingly, CT

1 inch = 75 Feet



www.cai-tech.com

September 15, 2022



	Arrowheads
	Leaders
	PROPERTYLINE
	ROAD

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



7 Valley Road

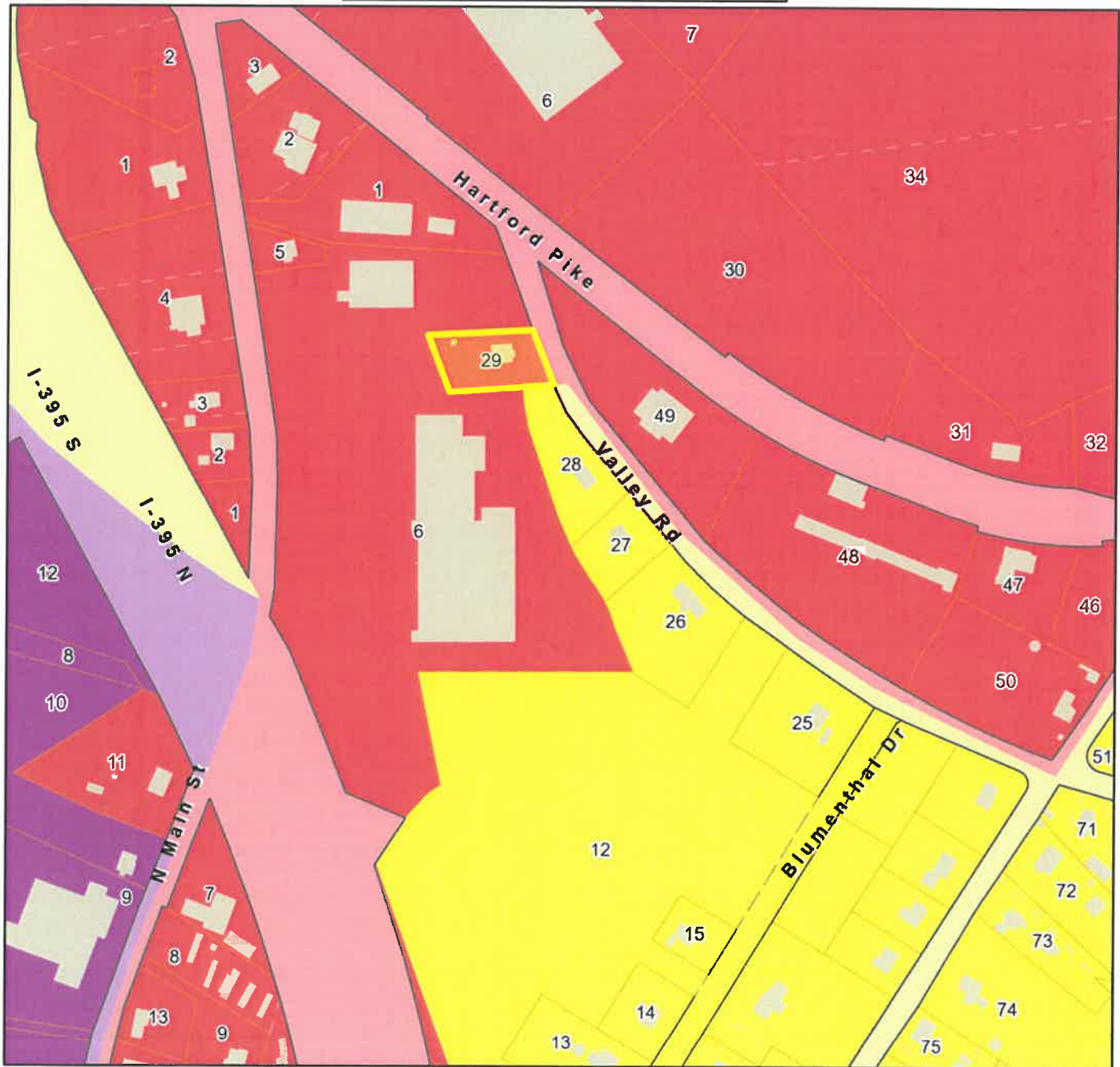
Killingly, CT

1 inch = 280 Feet



www.cai-tech.com

October 14, 2022



General Commercial	Condos	PROPERTYLINE
Industrial	Buildings	PVTRD
Low Density Residential	PVTRD-RW	ROAD
Right of Ways	TRACT LINE	

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

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

2) Review under §8-24 Ap # 22-1299 – Town of Killingly; pre-conceptual review of the proposed “The Brickyard Plaza and Art Park”; parking lot area behind Main Street, the Elks Club.

Legal Notices – 10/17/2022

None Required – this is an §8-24 Review

Background

This is a PRE-CONCEPTUAL Plan for a proposed Brickyard Plaza and Art Park to be located in the parking lot behind Main Street and the Elks Club.

Staff Recommendations

Listen to the presentation and provide your input and comments as requested.

- PRE - CONCEPTUAL -



1

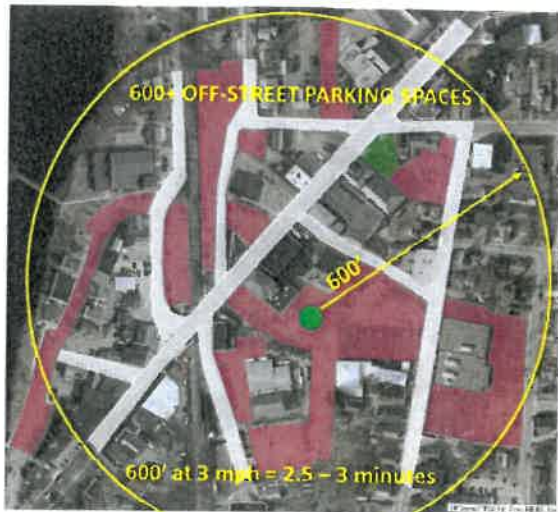
- PRE - CONCEPTUAL -

INVENTORY

Parking



The municipal parking lots evaluated in this study contain 191 parking spaces. Over 600 parking spaces are within a three-minute walk of the site.



2

- PRE - CONCEPTUAL -

PRE-CONCEPTUAL - 394

SITE ASSESSMENT

Under-Utilized Spaces



The site contains a variety of spaces that have no function of usefulness but require a minimum amount of maintenance.

3

PRE-CONCEPTUAL - 394

HISTORIC REFERENCES

Brick Buildings



Many buildings that back up to the site are historic brick-faced structures. These include the Phoenix building (140 Main), Rivers building, Elks building,

4

PRE-CONCEPTUAL - 394

PLACEMAKING REFERENCES

Lighter, Quicker, Cheaper



"Lighter, Quicker, Cheaper" is a catch phrase popularized by the Project for Public Spaces used to describe an approach to rapid transformation of under-utilized public space (often parking lots or surplus pavement in extra-large intersections). It employs lightweight materials like pallets, synthetic turf, and barrels to make "pop-up" or interim parks and plazas.

5

INVENTORY

Downtown Public Art



Killingly's downtown public art is an expanding collection of murals, painted utility boxes, and sculpture by local artists.

The proposed Placemaking project will greatly expand the public art environment of downtown Killingly. The outlines of a budding Cultural District are becoming apparent.

6

CONCEPT DESIGN

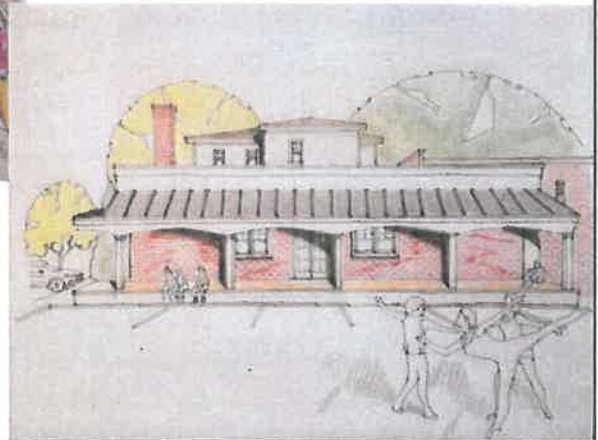
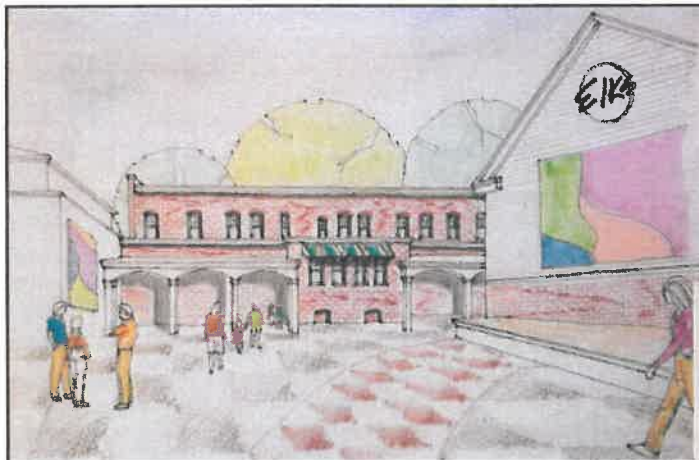
Brick Yard Design Concept - Gateway



With the Brick Yard branding and gateway approach approved, the designers explored alternatives for incorporation of historical references into the gateway pylons. The most compelling designs incorporated gears and wheels. Various options were graphically studied, and the agreed design utilizes the gear motif at the Main Street gateway and wheels for smaller (approx. 6' tall) pylons at all secondary parking lot entrances.

Main Street gateway pylons would be a four-foot square hollow steel boxes up to twenty feet tall. Gears would be of 1/4 inch thick Corten sheet steel and appear to fold around the corners. Corners could be a contrasting color like galvanized or stainless steel. The open interior of the box could contain a lighted vertical tube or other internal lighting effects. Small pylons would be of similar materials but have a tight fitting internal translucent liner, internally lit.

7



8



9



10



11



12



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

MONDAY – SEPTEMBER 19, 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.

RECEIVED
TOWN CLERK, KILLINGLY, CT
2022 SEP 26 AM 8:42
Elizabeth M. Wilson

- I. **CALL TO ORDER** – Chair, Keith Thurlow, called the meeting to order at 7:03 p.m.

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

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

Also Present (in person) – Attorney Evan J. Seeman; Robinson+Cole; Keith Kumnick, Commercial Real Estate Broker with Colliers International; Paul Archer, Archer Surveying; Patrick Johnson; Ulla Tiik-Barclay, Town Council Liaison; J.S. Perreault, Recording Secretary.
There were seven additional people seated in the audience.

Present via Webex: None.
- II. **SEATING OF ALTERNATES** – Keith Thurlow stated that Michael Hewko would be seated as a Voting Member for this meeting in the absence of Matthew Wendorf.
- 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 929 2268 when prompted.

Keith Thurlow read aloud the above call-in information. There were no comments from the public in person, online or over the telephone.

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.

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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**

Ann-Marie Aubrey noted that there were two items regarding this Application, not included in packets to Commission Members, which were provided at this meeting: 1) E-mail (dated September 19, 2022) from Anthony Pellecchia in support of the Application; and 2) Letter (dated September 19, 2022) from Kevin Olsen and Keith Olsen, Markover Hunting Preserve, in support of the Application.

Attorney Evan J. Seeman, Robinson+Cole, represented the Applicants. Keith Kumnick, Commercial Real Estate Broker with Colliers International, was also present. Attorney Seeman gave an overview:

- The Clarie family owns three parcels (totaling just under 200 acres) in the Business Park District: 308 Westcott Road; 310 Westcott Road; and 115 Mashentuck Road.
- Since the July 18th meeting, they have provided the following two additional items into the record: 1) Letter from Attorney Evan Seeman (dated September 12, 2022) in response to comments from Mark Tillinghast; and 2) Zone Text Change Slide Presentation (dated September 19, 2022).
- The purpose of this Application is to help facilitate development in the Business Park District which created approximately 20 years ago and, since then, has remained vacant. There are just over 300 acres in the Business Park District. There have not been any development applications in a number of years. This is the only BP District in Town and it is the only area that would be affected by this Application.
- The Regulations that they are proposing to amend fall within three categories: 1) Use – They are proposing to add warehouse and distribution as a principal use by special permit. It is currently allowed in the Zone, but only as an accessory use; 2) To reduce really restrictive setback requirements – Currently the Zone requires a setback of 750 feet for accessory warehouse and distribution use as well as associated parking. They are proposing to reduce it from 750 feet to 150 feet, which is still greater than other setbacks in other Zones for similar uses; and 3) They are proposing to no longer require a concept plan, but instead, make it optional. There is currently no concept plan in effect. They feel that the people who own the property should have a say in how it will be developed in the future.
- The Zone Text Change Slide Presentation (dated September 19, 2022) was displayed and Attorney Seeman narrated and orientated the area. He explained that 220 acres (70 percent) of the total 317 acres would be undevelopable as a result of the 750-foot setbacks. He explained that wetlands further restrict development potential in the Zone. This has made it difficult for anyone to develop property in the Business Park District. This is the most restrictive setback in Town. He said that other Towns in the region have imposed setbacks of 100 feet for industrial uses abutting residential zoning districts. He added that the proposed 150-foot setback is three times

- greater than the setback of other zoning districts, including GC where distribution uses are subject to a 50-foot setback.
- Regarding properties/residences to the west of I-395, he explained that the distance from any potential development in the Business Park District would be hundreds and hundreds of feet away from these properties which are across I-395 to the west.
 - Regarding nuisance, he explained that this Application will not create nuisance conditions such as noise, light, etc. because there is no development application being proposed and that any future application would have to be submitted as part of a special permit application. He referenced Section 740 of the Zoning Regulations.
 - Regarding the POCD, Attorney Seeman noted that the POCD expressly calls out the Business Park District for development. He referred to, and read aloud from, Section 3.2 and from Section 2.

Keith Kumnick, Commercial Real Estate Broker with Colliers International, spoke about his experience/involvement with marketing the properties in the Killingly Business Park District since 2008. He emphasized two points: 1) The trend in the office market towards companies downsizing in space; and 2) The growth in the industrial market and how well-positioned the Business Park parcels are for that growth and how it aligns with the POCD. He explained how COVID and its restrictions/guidelines caused remote working beginning in the spring of 2020 leaving office spaces unoccupied or underutilized. It is anticipated that there will be an oversupply of office space on the markets for several years to come and there is talk about redevelopment of office property through demolition or rehab.

Mr. Kumnick explained that most of the inquiries he has received on the property over the years were for industrial use which is the far more active market sector. The property and its location offer a number of advantages: The considerable size of over 300 acres allows for development, but also allows for sensitivity to residential neighbors and other uses in the vicinity; It can support multiple users and provide employment opportunities for Town residents in addition to growth on the Grand List; Travel on local roads should be minimized due to its immediate proximity to I-350. Mr. Kumnick stated that he believes that the text amendment, providing for an additional permitted use, increases the prospects for development in the Business Park.

QUESTIONS/COMMENTS FROM COMMISSION MEMBERS/STAFF:

- **Brian Card** asked why they applied for a text change instead of a GC Zone change.
Attorney Seeman explained that they had given it thought but, for purposes of continuity and potential development of the other parcels in the BP District, they felt that it made more sense to go with the text amendment application. He explained that the concept plan is not in the GC Zone, but would be an option with this text amendment, in the BP District.
Brian Card asked about how the integration would happen if a site plan had been approved in the BP District and then someone came forward with a concept plan that differs.
Attorney Seeman explained that there is currently a procedure in the Regulations to amend the concept plan, which they are not proposing to change.
Brian Card asked about the building height difference.
Attorney Seeman explained that the Business Park District had an exception for certain uses already (research and development) so they are proposing it for warehouse and distribution. He said that if the Commission is not comfortable with that piece of the Application, it is not the most critical piece. They are mainly hoping that the use will be allowed and for the setbacks to be reduced.
- **Keith Thurlow** spoke about the concept plan and accessibility to all of the lots.
Attorney Seeman stated that they are open to ideas as they are trying to do what is best for the Town. He thinks that you would take it application by application.
Keith Thurlow asked if there is a market for R&D in a 40,000 s.f. building. If so, is there a need for more than 40,000 s.f. in today's market? He said that warehousing seems like a bigger issue requiring more than 40,000 s.f.
Attorney Seeman stated that they are proposing to eliminate the current language regarding the accessory warehouse and distribution (40,000 s.f.) and replace with a principal special permit use of warehouse and distribution without the 40,000 s.f. limit and without being tied to research and development.
Keith Thurlow asked about the reason for the 150 foot setback number.

Attorney Seeman explained that it had been discussed at a pre-application meeting with Staff and the setback for similar uses in other zoning districts in Town have setbacks of up to 50 feet. Although 150 feet is three times as much as some other setbacks, it is a reasonable compromise to ensure no impacts to other nearby uses and it respects adjacent properties. He referenced Regulations Section 740 – Conditions of Approval, which states that the Commission has the authority to increase setbacks.

Ann-Marie Aubrey explained that they were also concerned about pre-existing uses (i.e. Markover Game Preserve) and giving anyone working in that area a sense of security and to have space in the case that a berm, wall or fence were required. There was discussion about different possible setbacks that could be set for BP District to other Zones.

There was discussion about how, in the early 2000's, the BP District had been proposed to be changed to Industrial, but failed. John Sarantopoulos spoke about his concern about Mashentuck Road being a dangerous road that would need a lot of work if it were to be where the access would be. He spoke in favor of a lesser than 150-foot setback since the Commission can make it higher.

Attorney Seeman explained that the Commission can impose greater setbacks, but cannot reduce them through a special permit application. He stated that the reduction is needed for an application to even be possible. They chose 150 feet because going from 750 to 50 is a big reduction. He also stated that Mashentuck Road was also discussed at the pre-application meeting with Staff and he said that he doesn't think that any access would be proposed for that Road, but it would be an issue if it were. Ms. Lorents stated agreement about Mashentuck Road. Keith Kumnick referred to the letter of support from the property owner, Anthony Pellecchia, which, he explained, is most likely where the access would be (close to I-395).

Ms. Aubrey referred to Dimensional Table "A" and explained about the individual parcels and the 750 feet not being on every lot (it is just the difference between the BP and the residential zone).

Mr. Thurlow asked if there are any right-of-ways accessing Mashentuck Road off of this property. He thought that someone had a right-of-way. Mr. Kumnick stated that he has been told that there is a right-of-way, but he has also been told that it is very narrow and could be as narrow as a footpath. Mr. Thurlow commented that we will not know how wide it is until it is surveyed. Mr. Kumnick stated, "Correct."

- **Brian Card** asked if the BP District has any frontage on Westcott Road.

Mr. Kumnick stated that only the Pellecchia property does. Ms. Aubrey stated that there is frontage for the Business Park.

- **Jill St. Clair** stated that she is concerned that the 150-foot setback is still too egregious a threshold to meet. She supports the 50-foot and then, it could be increased. This has been underutilized for over 20 years.
- **John Sarantopoulos** asked if this would be considered spot zoning.

Attorney Seeman explained that it is not because there are over 300 acres of property and includes 16-17 parcels.

QUESTIONS/COMMENTS FROM THE PUBLIC:

Ann-Marie Aubrey read aloud the letters received from the following citizens: 1) E-mail (dated September 19, 2022) from Anthony Pellecchia in support of the Application; and 2) Letter (dated September 19, 2022) from Kevin Olsen and Keith Olsen, Markover Hunting Preserve, in support of the Application.

- **Ulla Tiik-Barclay** asked how many of the residents of the area know about the Application. She commented that these Regulations were put in place to protect the residents of the area from such development as with Walmart. Ms. Tiik-Barclay also voiced concern regarding wetlands.

Attorney Seeman explained that he does not know, but that there were some members of the public that came and spoke at the last meeting and that there are some people at this meeting as well. All notice requirements were met as part of this Application.

Mr. Sarantopoulos commented that wetlands is not an issue for the PZC.

- **Kevin Olsen**, 699 Cook Hill Road, stated that, as a major abutter with the most at stake, they can live with the 150-foot setback rather than the 750-foot setback. He feels that the 150-foot setback may be the best for everyone involved. He said that the 50-foot may be another story. He feels that what they are asking for is appropriate.
- **Mark Tillinghast**, 79 Peckham Lane, speaking as an individual not representing EDC, stated that the EDC has not discussed this Application, at all, as a Commission.

Regarding the concept plan, he said that there had been concern that someone could cut off the infrastructure at their property, half-way through, and there would be no way for the infrastructure to get to the back lots. He spoke about how the DOT had a lot of control over off-site traffic, noise, etc. and the PZC controls mainly the on-site conditions. He said that citizens are concerned about a lot of truck traffic.

Mr. Tillinghast asked how much off-site control the PZC would have over a large-scale development. He commented that during the initial setting of the zone, he recalls one structure as the initial intent. He commented about walls along the highway that, it was found by the State, wouldn't really help with noise from truck traffic.

Regarding the POCD, Mr. Tillinghast mentioned about the intent to develop the three interchanges appropriate to each parcel.

Attorney Seeman responded to Mr. Tillinghast's comments:

A lot of the comments had to do with a particular development application about 20 years ago. He said that they are completely inappropriate and irrelevant for consideration by the PZC this evening. He said they may come into play if a future application is submitted.

Regarding the lack of access for back lots in the BP District, Attorney Seeman said that it is a non-issue and he referred to Section 436.2.g.

Regarding the PZC's authority regarding off-site impacts as they relate to traffic, Attorney Seeman stated, "Yes, it does have authority."

Regarding the comment about sound walls along the highway, Attorney Seeman stated that those were unique to a former application and are completely irrelevant to this Application before the Commission this evening as there is no site-specific development plan before the Commission.

On behalf of the Clarie family, Attorney Seeman asked that the Application be approved as they believe that it is good for the Town, advances the goals of the POCD, it can help add jobs, it can potentially attract new businesses, and potentially generate new tax revenues for the Town. He noted that the PZC has broad authority under the existing Regulations if a special permit application is submitted in the future.

ADDITIONAL QUESTIONS/COMMENTS FROM COMMISSION MEMBERS/STAFF:

- **Brian Card** referred to Section 436.2 and asked, if the bottom half of the lots get developed, how would the northern lots get to the access.
Attorney Seeman explained that the intent is to have any parcel in the BP District that develops, to provide access to a road or street (Westcott).
Mr. Card asked about deletion of the language regarding the remaining land.
Attorney Seeman explained that it is something that would be considered when an application is submitted. It may have to be through three easement or internal access-ways.
Mr. Card feels that some lots might be at a disadvantage without it being a requirement.
Attorney Seeman commented that he doesn't think so and that nobody has expressed concern to the Applicant or the Commission. He said that, in the future, the property owners in the BP District will, hopefully, work together and come to a solution.
- **Ann-Marie Aubrey** referred to Dimensional Table "A" regarding no minimum lot frontage. She explained that there is a presumption that anything within the BP is connected through the BP (like the Industrial Park). There was discussion regarding it not being required and it being private property. Ms. Aubrey referred to, and read from, Section 436.1 Intent of the Business Park District.
- **Jonathan Blake** explained that it is possible to be land-locked. He explained that the site plan of the first application is very important.
- **Brian Card** stated that developing the parcels is a good idea. He does not feel that the language is very well written and it needs to be cleaned up.
Regarding the question where the southern parcels get developed, should they provide access to the northern parcels, Attorney Seeman stated that it is similar to the idea of the concept plan. He explained that the northern parcels may not like the access-way that is proposed, they may not want access and they feel that having that as a requirement would inhibit development. That is why they proposed it as making it discretionary.

Motion was made by Virge Lorents to close the public hearing for **Zone TEXT Change Ap #22-1294** – Rosemary & Thomas C. Clarie et al; 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**

Second by Michael Hewko. No discussion.

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

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.

Paul Archer, Archer Surveying and Patrick Johnson represented the Applicant. Mr. Archer gave an overview (maps were displayed as discussed and photos, aerial as well, had been submitted and were included in packets to Commission Members):

- No proposed changes to the outside of the building.
- No proposed changes to lighting.
- They are proposing to add a generator (in the event of a power outage) on the northerly side, behind the building.
- Hours of operation: Monday – Friday 9 a.m. to 9 p.m.; Saturday – 9 a.m. to 4 p.m.; Sunday – 10 a.m. to 5 p.m.
- 20 full-time employees and 10 part-time employees.
- Mr. Archer stated that currently, there over 400 parking spaces and over 8 handicap spaces in the Plaza. He said that total building floor is 76,000.
- Mr. Archer explained about the 500-foot radius requirement and a map was displayed showing that there are none of the establishments, identified in the Regulations, within the 500-foot radius.
- Mr. Archer explained about the requirement for a 25-foot buffer zone for abutting a residential district. He indicated the two residential properties involved. Aerial photos demonstrate that he feels that the existing buffer is adequate to satisfy that requirement.
- Proposed signage is exactly the same as the former bank had used, so they are not proposing anything different than what had been allowed for the bank.

Patrick Johnson explained about the cannabis operation:

- Mr. Johnson noted two points of correction: 1) Hours of Operation: Monday – Thursday 9 a.m. – 8 p.m.; Friday and Saturday 9 a.m. – 9 p.m.; and Sunday 10 a.m. – 5 p.m.; and 2) He explained that they had received clarification that, because it is adult-use only, they are not allowed to use the term “dispensary.”
- Mr. Johnson explained about his experience in overseeing the opening of dispensaries.
- It is a 2,400 s.f. store, very secure because it was formerly a bank. The outside footprint to be exactly the same. Minor modifications to the inside. To create additional space between the back and the front.
- There will not be any odors. It is a retail store and all product will be in child resistant, sealed bags. There will be people monitoring to ensure that there is no consumption inside or on the premises.
- Deliveries to be minimal – two or three per week through the back (a typical delivery takes 15-20 minutes).
- They have contacted both local police and fire department. No issues encountered. They are working with police regarding traffic. Mr. Johnson explained that there is currently more than enough parking, so parking should not be an issue. The fire department would like the sprinkler system to be upgraded, which is already being done for the existing Plaza.
- He said that it should be a pretty seamless addition into this Plaza.

QUESTIONS/COMMENTS FROM COMMISSION MEMBERS:

- **Michael Hewko** asked if the security guards would be there during the hours of operation. Mr. Johnson stated that the security guards would be there 30 minutes before staff arrives and would stay 30 minutes after staff leaves, which is typical.
Michael Hewko asked if there is currently a fire panel for a fire alarm inside. Mr. Johnson did not know.
Mr. Hewko asked that he look into it and he noted that there should be a key for access (in the middle of the night) for the knox box to the panel room.
Mr. Johnson stated that this is typical and he said that they will have a call tree so that the support staff and Head of Security will have someone to contact if there is an issue.
- **Virge Lorents** asked about the need for the rigorous personnel safety training. Mr. Johnson explained that it is probably less so for the customers, but really for security reasons. He explained that a lot of it is State regulated (consistent with every state) and that it will be more secure than a bank.
- **Keith Thurlow** asked if the security guards are permanent or temporary. Mr. Johnson explained that one permanent security guard would be there at all times and that they will work with local police to see if they want additional security detail for the first two weeks. He said that this would be mostly

for traffic because lines may form early on. However, he does not anticipate that at this location. The permanent security guard would be outsourced with a local security firm.

- **Brian Card** noted that the Hours of Operation in the current Application were stated as Saturday 10 a.m. – 5 p.m. and Sunday 9 a.m. – 9 p.m. (backwards). Needs to be corrected. Mr. Card asked if the existing vegetation that Mr. Archer referred to, is on the residential property or on property owned by the Applicant.

Mr. Archer explained that he believes that the trees were planted as a buffer when the development was first put in and he believes that they belong to the commercial development.

Mr. Card asked that the 25-feet of vegetative buffer, to be maintained, be shown on the plans. He explained that, if the vegetation is on the residential property, it could be removed (it would not be part of this Application).

Mr. Archer stated that he will add it to the plans and he stated that the owner of one of those residential parcels applied for a zone change. Ann-Marie Aubrey explained that the owner of the parcel on Valley Road has applied for a zone change from commercial to residential because he wants to put solar on his roof.

Brian Card asked that the parking calculations be provided on the site plan.

Mr. Archer explained that they had spoken with Staff about this and he said that they are not adding anything, it is an existing condition.

Mr. Card explained that one of the conditions that he is looking for is that something be put on the record stating that parking has been addressed.

Brian Card asked about lighting (wall packs) being added to the exterior of the building.

Mr. Archer stated that no lighting is being proposed.

Mr. Johnson stated that they are evaluating the situation. He explained that all of the cameras work without lighting, so if they were to add lighting, it would be two or three around the building to add a little more security and for optics for the customers. It would be dark-sky compliant.

Mr. Card asked that detail for the lighting be put on the plans.

There were no questions or comments from the public.

QUESTION/COMMENTS FROM STAFF:

- **Ann-Marie Aubrey** suggested that the public hearing be continued to next month if the Commission wants more information, or she asked if the Commission would just want the corrections to be made to the site plan before it gets recorded.
Mr. Card stated that his opinion is that it needs to be in the Application so we know what it look like.
- **Jill St. Clair** stated that it would be great to have that space activated as it has been underutilized for quite some time.
- **Jonathan Blake** stated that an assessment had been done by Fire Protection Testing, Inc. on the facility to identify any issues with any of the businesses in both buildings. They identified some things (in the pump room which has a knock box on the outside), but he did not see anything regarding a fire panel, whether there is an individual panel for the unit or if there is one panel for the building. Mr. Blake commented that, conditions regarding the buffer, could be identified to be required to be filed with a submitted mylar.
- **Ann-Marie Aubrey** stated that the parking lot is what it is, but the calculations could be provided. Regarding the buffer zone, measurements could be provided to Staff. She explained that if the public hearing is closed tonight, it should be made a requirement to show the buffer zone and the parking lot calculations on the mylars and that they be submitted to Staff. If, for some reason, there is something less than that, they would have to show how they are going to improve it. She said it could be done at the Staff level, but it is up to the Commission.

Motion was made by Brian Card to continue the public hearing for 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, to the next regularly scheduled meeting of the Planning and Zoning Commission to be held on Monday, October 17, 2022, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.

Second by Virge Lorents. No discussion.

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

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**

Motion was made by Virge Lorents to approve **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.

Second by Michael Hewko.

There was discussion regarding possible amendments to the motion:

- Mr. Thurlow suggested changing the setback to 150 feet for the northern border and to 50 feet for the side lines for the rest of the district. Mr. Blake suggested the following language: "Shall be located at least 50 feet from the boundary of any residential district or residential use. In the event of bordering a game preserve, setback to be a minimum of 150 feet or more."
- Mr. Thurlow stated that he prefers that the Zone be changed to General Commercial.
- Mr. Card stated that, from discussion regarding the motion, he feels that there are a lot of additional changes that need to be done and thought through, especially on the concept plan. He feels that an optional concept plan is not appropriate for the BP District. The changes proposed are eerily close to GC, but not quite, so he asked, "What is the purpose of the BP District if we are just migrating it over. So, if we're going to go through the BP District, we should go through the BP District and make it clear and concise." He does not feel that the proposed language is clear and concise. Regarding the 150-foot setback, he said it is a cascading effect with the changes that need to occur. He feels that the whole thing needs to be gone through and cleaned up vs. just adding this in.

Mr. Thurlow asked if the Commission wants to take it on as a text change and deny the Application.

Ms. Aubrey asked for clarification as to what the Commission wants.

Mr. Thurlow explained that he agrees with Mr. Card, adding that it has been modified multiple times over the years.

Ms. Lorents suggested that it may make sense to get rid of the Regulation since it had been created 20 years ago and nothing ever happened there.

Mr. Sarantopoulos stated agreement with Ms. Lorents and stated that he feels that setbacks should remain the same and he stated that the PZC can ensure that the residents are protected in that area but, concerning the setbacks on the other sides, he feels we should stick with what we've got. He feels that warehousing could be addressed.

Ms. Aubrey stated that the language may not have been conducive to give the people the ability to do what they needed to do. She suggested that Staff could clean it up or work with the Applicant to clean it up.

Mr. Blake explained that there are parallels being drawn to GC, but there would be other uses to consider and there are distinct differences between GC and the BP District, not just setbacks (e.g. there is no retail in the BP District). He explained that the Applicant (who is representing land owners) has come to the PZC with language that could work for them (as written). Staff would not argue about looking at this, with the Commission, on a broader scope, but regardless of the Commission's decision on this Application, it would have to come, potentially, with another application. The public hearing is closed, so to look at this under a broader approach, the Commission would need to approach it as a second step. If you go to change the text after an application is submitted, that application is under the Regulations at that time. This would be something for the Commission to discuss.

Mr. Card stated that the Commission is in agreement that a step needs to be taken to move forward, the question is which step. For this Application, maybe the BP District is appropriate and the Regulations will need to be modified, maybe GC is more appropriate, maybe the Industrial Park is more appropriate.

Discussion continued.

Ms. Aubrey asked for clarification regarding what the direction of the Commission is: They agree with the possibility of warehousing at this location, but this may not be the language that the Commission would agree with. She explained that amendments could be made to the Motion on the floor.

Mr. Thurlow stated that it being a primary use and the 40,000 s.f. being eliminated is a step in the right direction.

There was discussion regarding reducing the setback from 150 feet to 50 feet. Mr. Card cautioned against going less restrictive than what was advertised to the public. He feels that reducing the building height from 60 feet to 50 feet would be okay because it would be more restrictive.

Discussion continued.

Ms. Aubrey explained that if this Application were approved, it could be the first step in changing the Regulation. Then, Staff could be instructed to go through the concerns of the Commission. She suggested a five-minute recess.

Motion was made by Michael Hewko to have a five-minute recess at 8:58 p.m.

Second by Virge Lorents. No discussion.

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

Keith Thurlow called the meeting back to order at 9:05 p.m.

Ms. Aubrey stated that Staff made some phone calls to verify the following:

- The public hearing was advertised properly;
- We discussed everything that was in the public hearing;
- This is the Commission's general discussion, so the Commission can make changes as it sees fit.
- The Commission can go less restrictive because of the above.

Mr. Thurlow asked if there are any amendments to the Motion.

Motion was made by Brian Card to make the following Amendment to the Motion to approve **Zone TEXT Change Ap #22-1294:**

- Per Section 450 – Dimensional Requirements, change to reduce the maximum building height from 60 feet to 50 feet (in keeping with warehouses in General Commercial).

Second by Michael Hewko. No further discussion.

Motion (Amendment #1) carried unanimously by voice vote (5-0-1).

Motion was made by Michael Hewko to make the following second Amendment to the Motion to approve **Zone TEXT Change Ap #22-1294:**

- To change Sections 436.3.i.1 and 436.4.3.b regarding setback requirements: 1) To reduce the setback requirement for residential structures from 150 feet to 50 feet; and 2) To add the setback requirement of 150 feet from any game preserve.

Second by John Sarantopoulos.

There was discussion regarding the following:

- Defining game preserve.
- The Commission will still have the ability to increase the setback higher than 50 feet.
- Mr. Card commented that, although the Attorney was consulted, he is still uncomfortable with going less restrictive than what was publicly noticed.

Motion (Amendment #2) carried by voice vote (4-1-0). Brian Card was opposed as he is not comfortable with going with less restrictive than what was publicly advertised.

There were no further amendments.

Main Motion (#3), As Amended, carried by voice vote (4-1-0). Brian Card was opposed.

Motion was made by Brian Card to set the effective date for Zone TEXT Change Ap #22-1294 for Tuesday, November 22, 2022, at 12:01 a.m.

Second by Michael Hewko. No further discussion:

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

Ms. Aubrey asked if there are further instructions for Staff. Mr. Thurlow stated to review and address Mr. Card's recommended changes.

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.

Continued to Monday, October 17, 2022.

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.**

Ann-Marie Aubrey stated that the Application is complete.

Motion was made by Virge Lorents to receive and schedule a public hearing for **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, for the next regularly scheduled meeting of the Planning and Zoning Commission to be held on Monday, October 17, 2022, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.

Second by Michael Hewko. No discussion.

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

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

1) Regular Meeting Minutes – AUGUST 15, 2022.

Motion was made by Brian Card to approve the Minutes of the Regular Meeting of August 15, 2022.

Second by John Sarantopoulos. No discussion.

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

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.**

Ann-Marie Aubrey explained that they are requesting a 30-day extension and that they had only requested 60 days for the first one.

Motion was made by Virge Lorents to approve the request for a second filing extension (30 days) to file the mylars and the approval letter (due to delays in receiving approval from CT DOT) 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).

Second by Michael Hewko. 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)

Jonathan Blake explained that the ZBA did not meet this month, but will be meeting next month as they have received applications.

B. Inland Wetlands and Watercourses Agent's Report

Jonathan Blake explained that the IWWC have had a few approvals, but they have been Staff level. The IWWC is short on Members, but there is an interview scheduled with the Town Council next month for a new Member. There are applications that have been received. There was discussion.

XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT

Jill St. Clair reported:

- Requesting an 8-24 review for the Brickyard Park.
- 140 Main Street has all clearances, they are busy with construction, to be completed in May 2023.

XIV. TOWN COUNCIL LIAISON REPORT

Ulla Tiik-Barclay reported on the recent actions/discussions/appointments of the Town Council. Upcoming public hearings:

- October 11, 2022 – Public Hearing on the Windham 4-H Dam Project (ARPA funds);
- October 11, 2022 – Communications and LUCAS (Automated CPR Device) for the Fire Departments (ARPA funds).
- October 11, 2022 – 249 Bailey Hill Road (permanent drainage easement) and 146 Pineville Road (creation of a directed drainage).

XV. ADJOURNMENT

Motion was made by John Sarantopoulos to adjourn at 9:29 p.m.

Second by Virge Lorents. No discussion.

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

Respectfully submitted,

J.S. Perreault
Recording Secretary