



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

RECEIVED
TOWN CLERK, KILLINGLY, CT
2023 JUN 16 AM 8:14

Elizabeth M. Wilson

MONDAY – JUNE 19, 2023

**Workshop Meeting - In Person
6:00 PM**

TOWN MEETING ROOM – 2ND FLOOR

Killingly Town Hall

172 Main Street

Killingly, CT

WORKSHOP AGENDA

I. CALL TO ORDER/ROLL CALL

II. WORKSHOP DISCUSSION Review / Discussion / Action

1) Article III, Section 310 Definitions – (review/discussion/action)

(*) Final Review Before Scheduling Hearing for Definitions ONLY

2) Business Park Zoning Regulations – (review/discussion/action)

(*) Review of Edits

III. MOTION TO ADJOURN

NOTE: Must end the meeting before 7:00 pm – so Planning Zoning Commission can start their regular meeting.

Planning Zoning Commission – Workshop Business Park Regulations – Monday, June 19, 2023

Staff will bring the proposed revisions to the meeting on Monday evening. Staff is still trying to merger the various “requested edits” into one document.



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

MONDAY – June 19, 2023

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

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2023 JUN 16 AM 8:14

Elizabeth M. Wilson

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 2634 759 3957 when prompted.

- V. **COMMISSION/STAFF RESPONSES TO CITIZENS' COMMENTS**

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

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

NOTE: To participate in THE PUBLIC HEARINGS – the public may join the meeting via telephone while viewing the meeting on Facebook live.

To join by phone please dial 1-415-655-0001; and use the access code 2634 759 3957 when prompted.

(*) Applications submitted by 11:30 AM on FRIDAY, JUNE 16, 2023, will be received by the Commission ("date of receipt") on MONDAY, JUNE 19, 2023. However, these applications may not be scheduled for action on MONDAY, JULY 17, 2023, 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) Workshop Meeting Minutes – MAY 15, 2023
- 2) Regular Meeting Minutes –MAY 15, 2023

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

- 1) WORKSHOP – IF NEEDED - Business Park – draft regulations – draft definitions - correspondence

XI. CORRESPONDENCE

- 1) Correspondence from Kathie A. Hess re: 2 Weeks Lane, Killingly
- 2) Article – "From the Bench" – *The Science of Substantial Evidence Continues w/ McLoughlin* by Christopher Smith, Esq.
- 3) Zoning Practice

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

Ann-Marie Aubrey

From: Nicholas Adamopoulos <Nick@lakeshorelegalsolutions.com>
Sent: Monday, June 5, 2023 11:41 AM
To: Ann-Marie Aubrey; Jonathan Androlewicz
Subject: 70 Wauregan Road

Follow Up Flag: Follow up
Flag Status: Flagged

Ms. Aubrey

Kindly consider this a formal request to have the applicant's planning board hearing concerning 70 Wauregan Road continued until the board's July meeting. The reason for the request is to allow the applicant ample opportunity to put together a complete package addressing all of the town's bylaws and items that were previously raised and discussed by the board. It is the applicant's intent to provide full and detailed responses to these items, and therefore the continuation would be of great assistance.

Thank you

RECEIVED

JUN 05 2023

PLANNING & ZONING DEPT.
TOWN OF KILLINGLY



NICHOLAS ADAMOPOULOS
LAKE SHORE LEGAL, LLC
PO Box 1210
154 THOMPSON ROAD
WEBSTER, MA 01570
TEL: 508-943-7800 EXT. 402
FAX: 508-948-0570
WWW.LAKESHORELEGALSOLUTIONS.COM

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

2) Zone Text Change Appl #23-1309 – Michael Shabenas & Jessica O’Brien; allow for Wedding/Event venues in the RD & LD Zones by Spec Perm. (**NOTE:** Edits, if any, may be suggested, & made, to the proposed text up to the close of the hearing; there will be no further advertisement of those edits until the decision of the PZC is published.)

APPLICANT(S):	Michael Shabenas & Jessica O’Brien
LANDOWNER(S):	D/N/A
SUBJECT PROPERTY:	D/N/A
ASSESSOR’S INFO:	D/N/A
ACREAGE AMOUNT:	D/N/A
ZONING DISTRICT:	RURAL DEVELOPMENT AND LOW DENSITY
REQUEST:	Zone TEXT Change to allow by Special Permit, Wedding / Event Venues in both the Rural Development {New Section 410.1.2(r)} and Low Density {New Section 410.2.2(p)}
REGULATIONS:	Reference is hereby made to Article IX - Amendments

Documents Submitted to P&D

- 1) Complete Application and payment therefore
- 2) The proposed text amendment

STAFF NOTE: The applicant listed the incorrect “next section” for Rural Development

STAFF NOTE: It appears the wording for both Rural Development and Low Density is the same.

Additional Documents

- 1) Staff has submitted a copy of the minutes of the 03/20/23 workshop where this proposed zone text change was previously discussed, for informational purposes
-

Legal Notices

- 1) Legal Notice was sent to NECCOG via email on April 18, 2023 – rec’d & read same day.
 - 2) Memorandum of proposed zone text change posted in Town Clerk’s Office June 6, 2023 @ 9:23 am
 - 3) Legal Notice posted in Town Clerk’s Office on Friday, June 2, 2023
 - 4) Legal Notice published in Norwich Bulletin on Tuesday, June 6th, and Monday June 12, 2023
-

STAFF COMMENTS AND SUGGESTIONS

- 1) Staff wants the Commission Members to know that all legal notices, etc. included **“NOTE: Edits, if any, may be suggested & made, to the proposed text up to the close of the hearing; there will be no further advertisement of those edits until the decision of the PZC is published.”**

2) Staff noticed that some of the suggestions made during the workshop of March 20, 2023, were not included in the text submitted for the application – the commission members must determine if they still want those “edits” included and may request the applicant to do so; or have the applicant explain why they were not included in the submission.

Proposed Text Amendment to the Killingly Zoning Regulations

Section 310 – definitions:

Event / Wedding Venue Facilities: A facility or facilities open to the public where weddings or events shall take place.

410.1.2 Permitted Uses with Special Permit Approval by the Commission

410.1.2q Event / Wedding Venue Facilities, subject to Article VII provided:

- a. Statement of use: A statement of use shall be submitted describing in detail the nature and scope of the Event / Wedding facility and the maximum number of attendees proposed for the site.
- b. Access: The facility shall have access from a state, municipal or private road.
- c. Attendance: Maximum number of attendees per event shall be based upon available parking and applicable fire code requirements.
- d. Use Separation: Outdoor event / wedding areas and reception building shall be located a minimum of 200' feet from any residential building on adjacent properties. Parking areas shall be located a minimum of 100' from the street line and a minimum of 150' from any residential building on adjacent properties.
- e. Event hours: shall be limited to between 10:00 a.m. to 10:00 p.m. Sunday thru Thursday and 10:00 AM to 11:00 PM Fridays and Saturdays.
- f. Health Department: The event / wedding facility shall require approval from the State and / or Local Health department as required.
- g. Noise: Music for any event or reception shall take place indoors, if a temporary tent is used for the indoor space, it shall be classified as a "soundproof" tent. Only low-level background music may be allowed outdoors during the ceremony. Noise at the property boundary shall not exceed 45 decibels at the property boundary after 10:00 PM per Section 22a-69-1.1 of the Connecticut General Statutes.
- h. Lighting: Lighting shall be certified dark sky compliant and shall not "bleed" onto adjacent properties.
- i. Traffic Safety: All driveway entrances to the site shall be designed to ensure safety and ease of access to the public street or highway, taking into account, grades and line of sight for vehicles entering and / or existing the site. All access and egress driveways from state roads shall be approved by the Connecticut Department of Transportation.
- j. On-site parking: Shall be provided at one space per 3 attendees plus 1 space per each staff member or employee, permanent parking surface shall not be required; Parking is not permitted in the public right-of-way of the road.
- k. To minimize impact on adjacent property owners, the commission may limit the maximum number attendees, limit the event hours, and limit the number of events per week or event days, and may require increased setbacks, screening and buffers.
- l. Signage: Facility signs shall meet the requirements of Section 540.

410.2.2 Permitted Uses with Special Permit Approval by the Commission

410.1.2p Event / Wedding Venue Facilities, subject to Article VII provided:

- a. Statement of use: A statement of use shall be submitted describing in detail the nature and scope of the Event / Wedding facility and the maximum number of attendees proposed for the site.
- b. Access: The facility shall have access from a state, municipal or private road.
- c. Attendance: Maximum number of attendees per event shall be based upon available parking and applicable fire code requirements.
- d. Use Separation: Outdoor event / wedding areas and reception building shall be located a minimum of 200' feet from any residential building on adjacent properties. Parking areas shall be located a minimum of 100' from the street line and a minimum of 150' from any residential building on adjacent properties.
- e. Event hours: shall be limited to between 10:00 a.m. to 10:00 p.m. Sunday thru Thursday and 10:00 AM to 11:00 PM Fridays and Saturdays.
- f. Health Department: The event / wedding facility shall require approval from the State and / or Local Health department as required.
- g. Noise: Music for any event or reception shall take place indoors, if a temporary tent is used for the indoor space, it shall be classified as a "soundproof" tent. Only low-level background music may be allowed outdoors during the ceremony. Noise at the property boundary shall not exceed 45 decibels at the property boundary after 10:00 PM per Section 22a-69-1.1 of the Connecticut General Statutes.
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- k. To minimize impact on adjacent property owners, the commission may limit the maximum number attendees, limit the event hours, and limit the number of events per week or event days, and may require increased setbacks, screening and buffers.
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**TOWN OF KILLINGLY, CT
PLANNING AND ZONING COMMISSION**

23-1309

RECEIVED
TOWN CLERK, KILLINGLY, CT
2023 MAR 27 AM 8:14
Elizabeth M. Quilley

MONDAY – MARCH 20, 2023

Workshop Meeting - In Person

6:00 PM

TOWN MEETING ROOM – 2ND FLOOR

Killingly Town Hall

172 Main Street

Killingly, CT

MINUTES

I. **CALL TO ORDER** – Chair, Keith Thurlow, called the meeting to order at 6:07 p.m.

ROLL CALL - Brian Card, Michael Hewko, Virge Lorents, Keith Thurlow.
John Sarantopoulos and Matthew Wendorf were absent with notice.

Staff Present – Ann-Marie Aubrey, Director of Planning & Development; Jonathan Blake, Planner I/ZEO;
Jill St. Clair, Director of Economic Development.

Also Present – Norm Thibeault, Killingly Engineering Associates; Ulla Tiik-Barclay, Town Council Liaison; J.S. Perreault, Recording Clerk. There were eight people present in the audience.

II. **WORKSHOP DISCUSSION** Review / Discussion / Action

1) Draft Regulations for Business Park

Ann-Marie Aubrey explained that, as requested by the Commission, the Draft created last month was forwarded to Legal Counsel for review. She is waiting for their reply, but they don't have many concerns, at this point. Copies of a letter (dated March 20, 2023) from Keith J. Kumnick, Commercial Real Estate Broker with Colliers International, were provided to Commission Members. Mr. Kumnick was unable to attend, but the letter contained suggestions. It was decided that the Commission Members would review the letter on their own and that this item be tabled to next month.

2) Draft Regulations for Event / Wedding Venue Facilities (included in packets).

Pre-Application Discussion:

Norm Thibeault, Killingly Engineering Associates, reviewed the draft of proposed text amendment language adding to Section 310 – Definitions and Section 410.1.2 – Permitted Uses with Special Permit Approval by the Commission, Section 410.1.2.q – Event / Wedding Venue Facilities, subject to Article VII. Mr. Thibeault asked for feedback from the Commission.

Regarding Item 410.1.2.q.k., Mr. Thibeault stated that he may amend the language to say that permanent parking surface shall not be required unless it is a handicap accessible space, which it needs to be per the Accessibility Act. He said that he may also add that some guests may arrive by bus.

Motion was made by Virge Lorents to open the floor to discussion.

Second by Michael Hewko. No discussion.

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

Ulla Tiik-Barclay asked about how this would affect St. Joseph's (just over 3 acres), Route 101, which was sold and is wanted to be used as a venue for parties/weddings.

Ms. Aubrey clarified that this proposal would be for the Rural Development Zone. The St. Joseph's property is in the Low-Density Zone. Ms. Aubrey explained that if the Commission wanted to, they could bring forth a secondary application to amend it to include other areas. Mr. Thibeault and the Commission Members were in agreement that the application could include other Zones. Discussion continued regarding combining with the LD Zone. Minimum lot size and maximum number of guests may not need to be set because, due to location and the size of the property, those parameters will set themselves (parking and setback requirements will need to be met).

Ms. Aubrey suggested making sure that the lot meets the requirements of the underlying zone: RD is 80,000 sq. ft. and LD is 30,000 sq. ft. She offered that Staff could look into it to see where it would make sense to have this to meet the underlying zone requirements and parking requirements.

Jill St. Clair, Director of Economic Development, commented that she is seeing a trend, across Connecticut, for smaller venues in non-traditional spaces (such as Churches being repurposed).

Jonathan Blake, stated that by special permit in most zones would give the Commission leeway regardless of minimum lot size. He likes the idea of RD/LD, but there could be some tweaks.

Discussion continued.

Mr. Thibeault suggested the following language: "The minimum lot size shall be a compliant lot in the zone that it is located in."

Mr. Thurlow added that it should also be compliant with the number of attendees.

There was discussion regarding structures/tents.

COMMENTS FROM THE PUBLIC:

Ed Grandelski, Upper Maple Street, spoke about separation distance using the former Imperial Room as an example. He referred to Item 410.1.2.q.e. of the draft language and said that he sees conflicts.

Ms. Aubrey explained about how something that is existing may be legal, non-conforming, but if they were properly permitted at the time, they can move forward. She also explained that if a use has been in existence, unless there is an absolute abandonment of that use (landowner's intent), that use can continue. This would need to be looked at when an application comes forward.

Mr. Thibeault stated that he feels that they have a good direction to go in and he will do some fine-tuning before submitting the application.

Ms. Aubrey offered to meet with Mr. Thibeault before the application is submitted to review the revisions and to ensure that the concerns have been addressed.

3) Draft Regulations for Borough of Danielson

Ann-Marie Aubrey explained that applicants have spoken with Staff regarding possible things for the Borough area, but Staff has realized that there are issues with some of the Borough Regulations that are in conflict regarding State Statutes, Fire Codes and Building Codes.

Jonathan Blake explained that they are looking to increase housing options inside the Borough, mainly the Borough Residential Medium / Residential High Zones which are 90+ percent serviced by

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

1) Zone TEXT & MAP Change Appl #23-1310 – Town of Killingly, RE: National Flood Insurance Program; a) Federal Emergency Management Agency (FEMA) Flood Maps; b) T.O.K. Zoning Regulations, Section 440, Flood Hazard Districts; c) T.O.K. Subdivision Regulations, Article IV, Section 20 Floodplains. **Receive, and schedule a hearing for July 17, 2023.** (NOTE: As these revisions are required under the NFIP, notice was already sent to NECCOG.)

2) Zone TEXT & MAP Change Appl #23-1311– Borough of Danielson, RE: National Flood Insurance Program, a) Federal Emergency Management Agency (FEMA) Flood Maps; b) Borough of Danielson Zoning Regulations, Section 1, Flood Damage Prevention Regulations; and Section 460, Flood Hazard District **Receive, and schedule a hearing for July 17, 2023.** (NOTE: As these revisions are required under the NFIP, notice was already sent to NECCOG.)

STAFF COMMENTS:

1) Tonight ,the commission **must schedule a public hearing for July 17, 2023,** for both applications listed above, at tonight’s meeting.

2) The Federal Emergency Agency (FEMA) has developed new Flood Insurance Rate Maps (FIRM) which must be incorporated into our zoning maps.

3) The National Flood Insurance Coordinator for the State of CT reviewed our zoning regulations and determined we needed text amendments to make sure they complied with the National Flood Insurance Program (NFIP). Copies of those text amendments are in this month’s packet for your review prior to next month’s hearing.

4) In order for the residents of the Borough of Danielson and the Town of Killingly to be able to continue to obtain insurance through the National Flood Insurance Program (NFIP), we must make sure our regulations meet the NFIP standards.

5) Deadline – We must incorporate the maps (through a public hearing) and make the requested zone text amendments (through a public hearing) before September 7, 2023.

Section 440. The Flood Hazard District, of the Town of Killingly Zoning Regulations shall be changed as follows to allow the Town of Killingly, and its residents to benefit from the National Flood Insurance Program (NFIP).

Town of Killingly, Zoning Regulations

Section 440. Flood Hazard District

In order to prevent future lost of lives and property and to protect the ecological, scenic and recreational quality of stream belts, those areas identified as ~~being subject to special flood hazards on the Flood boundary and Floodway Map and "Flood Insurance Study for the Town of Killingly", effective January 3, 1985, and any revision thereto provided to the town by the Federal Insurance Administration of the U.S. Department of Housing and Urban Development, shall be considered as a zoning district.~~ ***special flood hazard areas on the Flood Insurance Rate Maps (FIRM) and the Flood Insurance Study (FIS) for Windham County, Connecticut, dated September 7, 2023, and any subsequent revision thereto, provided to the Town of Killingly by the Federal Emergency Management Agency (FEMA),*** shall be a part of this district. Where questions as to the exact boundaries arise, reference shall be made to the above referenced map and study on file at the Town Hall. Any revisions made to this map and study by the ~~Federal Insurance Administration~~ **Federal Emergency Management Agency (FEMA)** shall also apply to this zoning district, following a public hearing concerning such zoning map revisions.

All applicants must review and incorporate the Town of Killingly Flood Damage Prevention and Control Ordinance (Chapter 7 of the Town of Killingly Code of Ordinances) which contains more detailed and completed development requirements and standards than provided in this section of the Zoning Regulations.

- a. No filling or other encroachment may take place within the floodway which would impair its ability to carry and discharge flood waters, except where ~~such activity is fully offset by stream improvements~~ ***certification, with supporting technical data, by a registered professional engineer is provided demonstrating, through hydrologic and hydraulic analysis performed in accordance with standard engineering practice, that encroachments shall not result in any (0.00 feet) increase in flood levels during occurrence of the base flood discharge published by the Federal Emergency Management Agency (FEMA).*** Plans for all filling or other encroachment and for all stream improvements done in conjunction with permitted uses shall be submitted to the Zoning Enforcement Officer and town Engineer for the approval; plans for such activities done in conjunction with special permit uses shall be submitted to the Commission for approval.
- b. The Commission shall review development proposals to determine whether such proposals will be reasonably safe from flooding. If a development proposal falls within the limits of the Flood hazard District, such proposal shall be reviewed to assure that (i) all such proposals are consistent with the need to minimize flood damage within the flood prone area; (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and (iii) adequate drainage is provided to reduce exposure to flood hazards.

c. The Commission shall require all development **and subdivision proposals** within this district ~~greater than 50 lots or 5 acres, whichever is lesser,~~ to include within such proposals base flood elevation data.

d. The Commission shall require within this district (i) that all new construction and substantial improvements of residential structures to have the lowest floor (including basement) elevated to or above the base flood level **elevation plus one (1.0) foot**; (ii) that all new construction and substantial improvements of nonresidential structures shall have the lowest floor (including basement) elevated or **dry** flood proofed to or above the base flood level **elevation plus one (1.0) foot**; and (iii) that where the use of fill would result in an increase in flood levels due to a reduction in the storage capacity of the flood plain, or in the potential for negative impacts to sensitive ecological areas, the use of pilings or columns, rather than fill, shall be used for the elevation of structures.

e. In the absence of base flood elevation data which may be furnished by the ~~Federal Insurance Administrator~~ **Federal Emergency Management Agency (FEMA)**, the Commission shall, with the assistance of the applicant, obtains, review and reasonably utilize any base flood elevation data from a Federal, State, or other source as criteria for requiring the provision of the preceding paragraph. Also see Section 460.1.2 and 530.4 supra.

~~f. The Commission hereby advises the applicant that additional Federal or State permits may be required, and if specific Federal or State permit requirements are known, copies of such permits are to be provided and maintained on file with the development permit. Possible required permits include but are not limited to: Water Diversion, Dam Safety, and corps of Engineers 404. (Effective 04-14-95).~~

f. **The Commission will also evaluate all development proposals utilizing the more detailed requirements contained in the Town of Killingly's Flood Damage Prevention and Control Ordinance (Chapter 7 of the Town of Killingly's Code of Ordinances).**

The following wording is to be added to the Town of Killingly Subdivision Regulations to allow the Town of Killingly, and its residents to benefit from the National Flood Insurance Program (NFIP).

Subdivision Regulations

Article IV. Section 20. Floodplains

If a proposed subdivision, including the placement of a manufactured home park or subdivision, is located in Special Flood hazard Area (SFHA) the following requirements shall apply:

- 1. All subdivision proposals shall be consistent with the need to minimize flood damage;**
- 2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;**
- 3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and**
- 4. The Planning Zoning Commission or its designee shall require the applicant to provide base flood elevation (BFE) for all subdivision proposals, including manufactured home parks and subdivisions. In all special flood hazard areas where base flood elevation (BFE) data is not available, the applicant shall provide a hydrologic and hydraulic engineering analysis performed by a registered professional engineer that generates BFEs for all subdivision proposals and other proposed development, including manufactured home parks and subdivisions.**

The Flood Damage Prevention Ordinance, of the Borough of Danielson Zoning Regulations shall be changed as follows to allow the Town of Killingly (Borough of Danielson), and its residents to benefit from the National Flood Insurance Program (NFIP).

Borough of Danielson, Zoning Regulations

FLOOD DAMAGE PREVENTION ~~ORDINANCE~~ REGULATION

SECTION 1.0

1.1 STATEMENT OF PURPOSE

It is the purpose of the ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health.
2. To minimize expenditure of public money for costly flood control projects.
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the ~~general~~ public.
4. To minimize prolonged business interruptions.
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard.
6. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard ~~so as~~ to minimize future flood blight areas.
7. To ensure that potential buyers are notified that the property is in an area of special flood hazard.
8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

1.2 METHODS OF REDUCING FLOOD LOSSES

~~In order to~~ To accomplish its purposes, this ordinance includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
3. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters.

4. Controlling filling, grading, dredging, and other development which may increase flood damage.
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters, or which may increase flood hazards in other areas.

SECTION 2.0 DEFINITIONS

Unless specifically defined below, words or phases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

Area of Special Flood Hazard: Means the land in the flood plain within a community subject to a one percent or greater change of flooding in any given year. *The Area of Special Flood Hazard is also called the Special Flood Hazard Area (SFHA). SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. SFHAs include, but are not necessarily limited to, the land shown as Zones A, AE, AO, AH on a FIRM.*

Base Flood: Means the flood having a one percent chance of being equaled or exceeded in any given year, *also referred to as the one hundred (100) year flood, as published by the Federal Emergency Management Agency (FEMA) as part of a Flood Insurance Study (FIS) and depicted on a Flood Insurance Rate Map (FIRM).*

Base Flood Elevation (BFE): *Means the elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.*

Basement: *Means any area of the building having its floor subgrade (below ground level) on all sides.*

(NOTE: The following definition is optional, but it is recommended. This is not a required federal definition.)

Cost: *Means, as related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair, or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.*

Development: Means any man-made change to improved or unimproved real estate, including but not limited to, *the construction of buildings* building or other structures, *the construction of additions, alterations or substantial improvements to buildings or structures, the placement of buildings or*

structures, mining, dredging, filling, grading, paving, excavation excavating, or drilling operations or storage of equipment, the storage, deposition, or extraction of materials, and the installation, repair or removal of public or private sewage disposal systems or water supply facilities located within the area of special flood hazard.

Existing Manufactured Home Park or Subdivision: Means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before November 1, 1984, the effective date of the flood plain management regulations adopted by the community.

Expansion to an Existing Manufactured Home Park or Subdivision: Means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA): Is the federal agency that administers the National Flood Insurance Program (NFIP).

(NOTE: The following definition is optional, but it is recommended. This is not a required federal definition.)

Finished Living Space: Means, as related to fully enclosed areas below the base flood elevation (BFE), a space that is, but is not limited to, heated and/or cooled, contains finished floors, has sheetrock walls that may or many not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwater and expensive to clean, repair or replace. The unfinished enclosed areas below the BFE should comply with FEMA Technical Bulletin 2, Flood-Damage Resistant Materials Requirements.

Flood or Flooding: Means a general and temporary condition of partial or complete inundation of normally dry land areas as from either: (1) the overflow of inland or tidal waters, or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM): Means the official map of a community on which the ~~Federal Insurance Administration~~ Federal Emergency Management Agency (FEMA) has delineated both the area of special flood hazards (100-year floodplain) and the insurance risk premium zones applicable to the community.

Flood Insurance Study (FIS): Means the official ~~report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary Floodway Map, and the water surface elevation of the base flood~~ study of a community in which the Federal Emergency Management Agency (FEMA) has conducted an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Floodway: Means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one foot. For the purposes of these regulations, the term "Regulatory Floodway" is synonymous in meaning with the term "Floodway".

Functionally Dependent Use or Facility: *Means a use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales, or service facilities.*

Historic Structure: *Means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.*

Lowest Floor: *Means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such an area meets the design requirements specified in Section 5.2-4 of this ordinance.*

Manufactured Home: *Means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term also includes park trailers, travel trailers, recreational vehicles and other similar vehicles or transportable structure placed on a site for one hundred and eighty (180) consecutive days or longer and intended to be improved property.*

Manufactured Home Park or Subdivision: *Means a parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.*

Market Value: *Means, as related to substantial improvement and substantial damage, the market value of the structure shall be determined by the tax assessor's appraised value minus land value prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.*

Mean Sea Level (MSL): *Means the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate map (FIRM) are referenced.*

Mobile Home: Means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

New Construction: Means structures for which the "start of construction" commenced on or after **November 1, 1984**, the effective date of this ordinance, *and includes any subsequent improvements to such structures.*

New Manufactured Home Park or Subdivision: Means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date, November 1, 1984 of the floodplain management regulation adopted by the community.

Recreational Vehicle: Means a vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Start of Construction: Means, [for other than new construction or substantial improvements under the Coastal Barrier Resources Act {P.L.97-348}, includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erections of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether, or not, that alteration affects the external dimensions of the building.

Structure: Means a walled and roofed building or mobile home that is principally above ground—that is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

Substantial Damage: Means damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(NOTE: It is recommended that the municipality add a calculation timeframe to the definition of "Substantial Improvement". This timeframe can range from one year (low end) to the life of the structure (high end). A one-year timeframe has been inserted in the definition below as a placeholder. The municipality should replace the one-year timeframe if desired with an appropriate and manageable timeframe of its choice.)

Substantial Improvement: Means any combination of repairs, alteration, reconstruction, rehabilitation, addition, or other improvement of a structure taking place within a one (1) year period, the cumulative cost of which equals or exceeds 50 percent of the market value (as determined by the tax assessor's appraised value) of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the tax assessor's appraised value of the

structure, minus land value, prior to the start of the initial repair or improvement, or (2) in case of damage, the value of the structure prior to the damage occurring. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to correct existing state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

~~either: (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "Substantial improvements" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.~~

Variance: means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

Violation: *Means a failure of a structure or other development to be fully compliant with the community's floodplain management ordinance. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.*

Water Surface Elevation: *Means the height, in relation to the North American Vertical Datum (NAVD) of 1988, or other datum where specified, of floods of various magnitudes and frequencies in the flood plains of riverine areas.*

SECTION 3.0

GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Borough of Danielson.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the ~~Federal Insurance Administration~~ *Federal Emergency management Agency (FEMA) in a its scientific and engineering report entitled Flood Insurance Study (FIS) for Windham County, Connecticut, dated September 7, 2023, with accompanying Flood Insurance Rate Maps (FIRM), dated September 7, 2023, and other supporting data applicable to the Borough of Danielson, and any subsequent revisions thereto, are adopted by reference and declared to be a part*

of this ordinance. Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA.

~~“The Flood Insurance Study for the Borough of Danielson, Windham County, Connecticut dated May 1, 1984, with accompanying Flood Insurance Rate Maps is hereby adopted by reference and declared to be part of this ordinance. The Flood Insurance Study is on file at the office of the Town Clerk.~~

The areas of special flood hazard include any area shown on the FIRM as Zones A, AE, AO, and AH, including areas designated as a floodway on a FIRM. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. Also included are areas of potential, demonstrable or historical flooding, including any area contiguous with but outside the areas of special flood hazard identified by FEMA, and where the land surface elevation is lower than the base flood elevation (BFE) as shown in the FIS, and the area is not protected from flooding by a natural or man-made feature. The FIRM and FIS are on file at the office of the Town Clerk.

3.3 COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations.

3.4 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes *the more stringent restrictions shall prevail*.

3.5 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements.
2. Liberally, construed in favor of the governing body.
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations.

Larger floods can and will occur on rarer occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damage. This ordinance shall not create liability on the part of the Borough of Danielson, the Town of Killingly, or any officer or employee thereof, or the Federal Insurance Administration ***Federal Emergency Management Agency (FEMA)***, for any flood damages that result reliance on this ordinance, or any administrative decision lawfully made thereunder.

SECTION 4.0

ADMINISTRATION

4.1 PERMITS REQUIRED ESTABLISHMENT OF DEVELOPMENT PERMIT

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. Application for a development permit shall be made on forms furnished by the Zoning Enforcement Officer and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required.

Prior to the beginning of any development, or any construction thereof, within any area of special flood hazard established in Section 3.2; the applicant must apply for the proper planning, zoning, and building permits as required by the Town of Killingly. Said applications are available in the Planning & Development Office at Town Hall. Included with the application should be a site plan (three copies thereof) drawn to scale showing the nature, location, dimension, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

Specifically, the following information is required.

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.
2. Elevation in relation to mean sea level to which any structure has been flood proofed.
3. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Section 5.2-2.
4. Description of the extent to which any watercourse will be altered or relocated because of the proposed development.
5. A fee in the amount of \$6.00 shall be charged. Applicant to pay all the appropriate fees for all the applications applied for.

4.2 DESIGNATION OF THE BUILDING OFFICIAL

4.2 OFFICER'S DESIGNATED TO ADMINISTER AND IMPLEMENT THIS REGULATION

The Building Official and Zoning Enforcement Officer, or representatives of those respective offices are hereby appointed to administer and implement this regulation in accordance with its provisions.

4.3 DUTIES AND RESPONSIBILITIES OF THE BUILDING OFFICIAL and ZONING ENFORCEMENT OFFICER

The duties of the Building Official and Zoning Enforcement Officer shall include but not be limited to:

4.3-1 PERMIT REVIEW

1. Review all ~~development permits~~ permit applications to determine that the ~~permit~~ requirements of this ordinance have been satisfied **and to determine whether the proposed building site will be reasonably safe from flooding.**
2. Review all ~~development permits~~ permit applications to determine that all necessary permits have been obtained from these federal, state, or local governmental agencies from which prior approval is required.

4.3-2 OTHER BASE FLOOD DATA

When base flood elevation data has not been provided in accordance with Section 3.2 BASIS FORESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, **the Building Official and** Zoning Enforcement Officer shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state, or other source, in order to administer Section 5.2-1 SPECIFIC STANDARDS, Residential Construction, and Section 5.2-2, SPECIFIC STANDARDS, Nonresidential Construction.

4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED BY ZONING OFFICER

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures.
2. For all new or substantially improved flood proofed structures
 - a) Verify and record the actual elevation (in relation to mean sea level) and
 - b) Maintain the flood proofing certifications required in Section 4.1-3.
3. Maintain for public inspection all records pertaining to the provision of this ordinance.

4.3-4 ALTERATION OF WATERCOURSES

1. Notify adjacent communities and the Department of **Emergency and** Environmental Protection prior to any alteration or relocation of a watercourse and submit evidence of said notification to the ~~Federal Insurance Administration.~~ **Federal Emergency Management Agency (FEMA).**
2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4.3-5.1 INTERPRETATION OF FIRM BOUNDARIES

Make interpretations where needed, as to the exact location of the boundaries of the areas or special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 4.4.

(continued on next page)

4.4 VARIANCE PROCEDURE

4.4-1.1 Appeal Board

1. The Zoning Board of Appeals as established by ~~Borough of Danielson~~ **Town of Killingly**, shall hear and decide appeals and requests for variances from the requirement of this ordinance.
2. The ~~Danielson~~ **Town of Killingly** Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the ~~Building Official~~ Zoning Enforcement Officer in the enforcement of this ordinance.
3. Any person aggrieved by the decision of the ~~Danielson~~ **Town of Killingly** Zoning Board of Appeals may appeal such decision to the Superior Courts, as provided by law.
4. In passing upon such applications, the ~~Danielson~~ **Town of Killingly** Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and
 - i) The danger that materials may be swept onto other lands to the injury of others.
 - ii) The danger of life and property due to flooding or erosion damage.
 - iii) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - iv) The importance of the services provided by the proposed facility to the community.
 - v) The necessity to/of the facility for waterfront location, where applicable.
 - vi) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
 - vii) The compatibility of the proposed use with existing and anticipated developments.
 - viii) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area.
 - ix) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - x) The expected heights, velocity, durations, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and
 - xi) The costs of provided governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
5. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level providing items (i – xi) in Section 4.4-1.4 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

6. Upon consideration of the factors of Section 4.4-1.4 and purposes of this ordinance, the ~~Danielson~~ **Town of Killingly** Zoning Board of Appeals may attach such conditions as it deems necessary to further the purposes of this ordinance.
7. The ~~Building Official~~ **Zoning Enforcement Officer** shall maintain the records of all appeal actions and report any variances to the ~~Federal Insurance Administration~~ **Federal Emergency Management Agency (FEMA)** upon request.

4.4-2 Conditions for Variances

1. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
2. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
4. Variances shall only be issued upon all the following.
 - i. A showing of good and sufficient cause
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 4.4-1.4, or conflict t with existing local laws or ordinances.
5. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation.
6. Sub applicant must record such variance in the town land records before it shall become effective.

SECTION 5.0

PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS

In all areas of special flood hazards the following standards are required.

5.1-1 Anchoring

1. All new construction and substantial improvement shall be anchored to prevent flotation, collapse, or lateral movement of the structure, **resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.**
2. All **manufactured (mobile) homes shall be placed on a permanent foundation which itself is securely anchored to resist flotation, collapse, or lateral movement, hydrodynamic pressures, and impact from floating debris by providing over-the-top ties to ground anchors. The foundation and anchorage of manufactured homes to be located in floodways shall be designed and constructed in accordance with ASCE 24. Specific requirements shall be that.**
 - i. Over the top ties be provided at each of the four corners of the manufactured / mobile home, with two additional ties per side at intermediate locations, with manufactured / mobile homes less than 50 feet long requiring four (4) additional ties per side. **?????**
 - ii. Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points, with manufactured / mobile homes less than 50 feet long requiring four (4) additional ties per side. **????**
 - iii. All components of the anchoring system be capable of carrying a force of 4,800 pounds, and
 - iv. Any additions to the manufactured / mobile home be similarly anchored.

5.1-2 Construction Materials and Methods

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. **Materials shall conform to the provisions of FEMA Technical Bulletin 2, Flood Damage-Resistant Material Requirements. This includes, but is not limited to, flooring, interior, and exterior walls, wall coverings and other materials installed below the base flood elevation plus one (1.0) foot. The bottom of all electrical, heating, plumbing, ventilation and air conditioning equipment, appliances, fixtures and components, HVAC duct work and duct systems, and any other utility service equipment, facilities, machinery, or connections servicing a structure shall be elevated at least one foot (1.0 ft) above the base flood elevation (BFE). This includes, but is not limited to, furnaces, oil or propane tanks, air conditioner, heat pumps, hot water heaters, ventilation duct work, washer and dryer hook-ups, electrical junction boxes, and circuit breaker boxes. Connections or other equipment that must be located below the BFE plus one foot (1.0 ft) elevation are permitted only when no other elevation alternative is available and provided they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of the base flood event. Electrical wiring systems that must be located below the BFE plus one foot (1.0 ft) shall conform to the standards for wet locations.**
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

5.1-3 Utilities

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood water into the system.
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood water into the systems and discharge from the system into flood waters; and
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.1-4 Subdivision Proposals

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage,
4. **Base flood elevation data shall be provided for all subdivision proposals and other proposed development, including manufactured home parks and subdivisions. In all areas of special flood hazard where base flood elevation data is not available, the applicant shall provide a hydrologic and hydraulic engineering analysis performed by a registered professional engineer that generates base flood elevations for all subdivision proposals and other proposed development, including manufactured home parks and subdivisions.**

5.1-5 Additional Standards

1. **Underground tanks shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood. The bottom of above-ground storage tanks which are located outside or inside of a structure must be elevated one (1.0) foot above the base flood elevation or shall be securely anchored to prevent flotation, collapse, or lateral movement under conditions of the base flood. Where elevated on plat forms, the platforms shall be cantilevered from, or knee braced to the building, or shall be supported on elevated foundations that conform to the standards for the particular flood zone as described in Section 5.3. Anchored tanks must have the top of the fill pipe located at least one (1.0) foot above the BFE and have a screw fill cap that does not allow for the infiltration of flood water.**
2. **New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless they are a functionally dependent use or facility.**
3. **If any portion of a structure lies within the area of special flood hazard, the entire structure is considered to be located within the area of special flood hazard and must meet the construction requirements of the flood zone. The structure includes any structurally attached**

additions, garages, decks, porches, sunrooms, patios, or any other structure attached to the main structure.

4. If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., the structure must be built to the highest base flood elevation). The structure includes any structurally attached additions, garages, decks, porches, patios, sunrooms, or any other structure attached to the main structure.
5. Compensatory Storage. The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.
6. Equal Conveyance. Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00) feet increase in flood levels (base flood elevation – BFE). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation (BFE) data has been provided as set forth in Section 3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or Section 4.3-2 OTHER BASE FLOOD DATA, the following provisions are required.

5.2-1 Residential Construction

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation (BFE) **plus one (1.0) foot**.

5.2-2 Non-Residential Construction

New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated to **one (1.0) foot above** the level of the base flood elevation (BFE); or, together with attendant utility and sanitary facilities, shall.

1. Be dry flood proofed so that below the base flood elevation plus one(1.0) foot level the structure is watertight with walls substantially impermeable to the passage of water.
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
3. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Structural design specifications and plans for the construction must be in accordance with acceptable standards of practice for meeting the provisions of this section. Such certifications shall be provided to the official as set forth in Section 4.3-3(2) on the FEMA Floodproofing Certificate. Electrical, plumbing, machinery, or other utility equipment that service the structure must be elevated one (1.0) foot above the base flood elevation.

5.2-3 Manufactured (Mobile) Homes and Recreational Vehicles

1. **All manufactured homes (including "mobile" homes place on site for 180 consecutive days or longer) to be newly placed, undergoing a substantial improvement or repaired as a result of substantial damage shall be elevated so that the bottom of the frame is located one (1.0) foot above the base flood elevation (BFE). This includes manufactured homes located outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing manufactured home park in which a manufactured home has incurred substantial damage as a result of a flood.**
2. **The manufactured home must also meet all the general standards per Section 5.1-2 and 5.1-3.**
3. **All manufactured homes shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement, hydrodynamic pressures, and impact from floating debris. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors.**
4. **Manufactured homes shall be anchored in accordance with Section 5.1-1(2).**
5. **No manufactured homes shall be placed in a floodway.**
6. **All manufactured (mobile) homes shall be installed using methods and practices which minimize flood damage. Adequate access and drainage should be provided. Elevation construction standards include piling foundations placed no more than ten (10) feet apart, and reinforcement is provided for piers more than six (6) feet above ground level.**
7. **Recreational vehicles shall meet the following requirements: either be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use or meet all the elevation and anchoring requirements for a manufactured home listed above. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.**

5.2-4 Elevated Buildings

- 1. All new construction, substantial improvements, or repair to structures that have sustained substantial damage, whether residential or non-residential, that include fully enclosed areas formed by a foundation and other exterior walls shall have the lowest floor elevated to one (1.0) foot above the base flood elevation (BFE). The elevated building shall be designed to preclude finished living space below the lowest floor and be designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls (wet flood-proofing). Designs for complying with this requirement must either be certified by a registered professional engineer or architect as meeting the requirements of ASCE 24 Section 2.6.2.2, or meet the following minimum criteria listed in sections a-h below:**
 - a. Provide a minimum of two (2) openings (hydraulic flood vents) having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding. The enclosed area is measured on the exterior of the enclosure walls. These hydraulic openings must be located on at least two different exterior walls of each enclosed area. If the structure has more than one enclosed area, openings must be installed in the exterior walls of each enclosed area so that flood waters can enter directly from the outside.**
 - b. The bottom of all openings shall be no higher than one (1.0) foot above the higher of either the final interior grade or floor elevation, or the finished exterior grade adjacent to the outside of the foundation wall. At least one side of the structure's fully enclosed area must be at or above grade. Filled place around the foundation walls must be graded so that the elevation inside the enclosed area is equal to or higher than the adjacent outside elevation on at least one side of the building. The finished floor of the enclosed area shall be no lower than the bottom of the foundation openings. The foundation slab of a residential structure, including the slab or a crawlspace, must be set equal to the outside finished grade on at least one side of the building.**
 - c. The openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic entry and exit of flood waters in both directions without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means. These coverings must not block or impede the automatic flow of floodwaters into and out of the enclosed area. Other coverings may be designed and certified by a registered professional engineer or approved by the Building Official.**
 - d. Openings shall not be less than three (3) inches in any direction in the plane of the wall.**
 - e. The area cannot be used as finished living space. The use of the enclosed area shall be the minimum necessary and shall only be used for the parking of vehicles, building access or limited storage. Access to the enclosed area shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). The enclosed area shall not be used for human habitation.**

f. All interior walls, floor, and ceiling materials located below the base flood elevation plus one (1.0) foot elevation shall be unfinished and resistant to flood damage-resistant in accordance with FEMA Technical bulletin 2. Flood Damage-Resistant Requirements.

g. Electrical plumbing, HVAC ductwork, machinery or other utility equipment and connections that service the structure (including, but not limited to, furnaces, oil or propane tanks, air conditioner, heat pumps, hot water heaters, ventilation, washers and dryer hook-ups, electrical junction boxes, circuit breaker boxes and food freezers) are prohibited in the fully enclosed area below the base flood elevation plus one (1.0) foot elevation. Utilities or service equipment located in this enclosed area, even if elevated one (1.0) foot above the base flood elevation in the space, will subject the structure to increased flood insurance rates.

h. A residential building with a structurally attached garage having its floor slab below the base flood elevation is considered an enclosed area below the base flood elevation and must meet the standards of Section 5.2-4 a-g. A garage attached to a residential structure, constructed with the garage floor slab below the base flood elevation, must be designed to allow for the automatic entry and exit of floodwaters in both directions. Flood openings or vents are required in the exterior walls of the garage or in the garage doors. Garage doors that must be manually opened do not meet the flood vent opening requirement in Section 5.2-4 a-c. In addition to the automatic entry of flood water, the areas of the garage below the base flood elevation plus one (1.0) foot must be constructed with flood damage-resistant materials per the requirements of FEMA Technical Bulletin 2. Garages attached to non-residential structures must also meet the aforementioned requirement or be dry flood proofed as per the requirement of Section 5.2-2.

5.3 FLOODWAYS

Located within areas of special flood hazard established in Section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Encroachments, including fill, new construction, substantial improvement, and other development is prohibited unless certification (***with supporting technical data***) by a registered professional engineer is provided demonstrating, ***through hydrologic and hydraulic analyses performed in accordance with standard engineering practice***, that such encroachment will not result in any (0.00 feet) increase in flood levels during the occurrence of the base flood discharge ***published by FEMA. Buildings and structures meeting the standard above and located in whole or in part in the floodway shall be designed and constructed in accordance with ASCE 24. Fences in the floodway must be aligned with the flow and be of an open design. A permit may be given which allows encroachments resulting in increases in base flood elevations provided the community first obtains a conditional floodway revision by meeting the requirement of C.F.R. 44, Chapter 1, Subsection 65.12.***

2. If Section 5.3(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5.0 PROVISION FOR FLOOD HAZARD REDUCTION.
3. *The Building Official may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the municipality's request or not), the community shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1.0) foot at any point within the community.*
4. *When base flood elevations (BFEs) have been determined within Zone AE on the community's Flood Insurance Rate Map (FIRM) but a regulatory floodway has not been designated, the Building Official must require that no new construction, substantial improvements, repairs to structures which have sustained substantial damage or other development, including fill, shall be permitted which will increase the water surface elevation of the base flood more than one (1.0) foot at any point within the community when all existing and anticipated development is considered cumulatively with the proposed development.*

Section 460 – Flood Hazard District, of the Borough of Danielson Zoning Regulations shall be changed as follows to allow the Town of Killingly (Borough of Danielson), and its residents to benefit from the National Flood Insurance Program (NFIP).

Borough of Danielson, Zoning Regulations

Section 460 – Flood Hazard District

460.1 GENERAL REQUIREMENTS

- A. ~~In order to~~ To prevent future loss of lives and property and to protect the ecological, scenic, and recreational quality of stream belts, those areas identified as being subject special flood hazards on the Official Flood Insurance Rate Map (FIRM) prepared by the Federal Emergency Management Agency (FEMA) and on an overlay map designed to be used with the Official Borough Zoning Map.
- B. No filling or other encroachment may take place within the floodway which would impair its ability to carry and discharge flood waters, except where such activity is fully offset by stream improvements. Plans for all filling or other encroachment and for all stream improvements done in conjunction with permitted uses shall be submitted to the Zoning Enforcement Officer for approval; plans for such activities done in conjunction with special permit uses shall be submitted to the Commission for approval.
- C. The Commission shall review development proposals to determine whether such proposals will be reasonably safe from flooding. If a development proposal falls within the limits of the Flood hazard District, such proposal shall be reviewed to assure that (i) all such proposals are consistent with the need to minimize flood damage within the flood-prone area, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided to reduce exposure to flood hazards.
- D. The Commission shall require within this district (i) all new construction and substantial improvements of residential structures to have the lowest floor (including basement) elevated to or above the base flood level elevation plus one **(1.0) foot**, (ii) all new construction and substantial improvements of nonresidential structures have the lowest floor (including basement) elevated or **dry** flood-proofed to or above the base flood level elevation plus one **(1.0) foot**, and (iii) pilings or columns rather than fill, for the elevation for structures within this district, in order to maintain the storage capacity of the flood plain and to minimize the potential for negative impacts to sensitive ecological areas.

- E. The Commission will also evaluate all development proposals utilizing the more detailed requirements contained in the Borough of Danielson's Flood Damage Prevention Regulation.

(NOTE: THERE WERE NO FURTHER CHANGES REQUESTED FOR SECT. 460 – FLOOD HAZARD DISTRICT)

(THEREFORE: SECTION 460.2 {Permitted Uses}; and SECTION 460.3 {Uses Allowed by Special Permit}

REMAIN THE SAME.)

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

4) **§8-24 Review Appl. #23-1313** – Town of Killingly; proposed access easement over a portion of real estate located in Owen Bell Park; 580 Hartford Pike; GIS MAP 114, LOT 43, Village Commercial / Low Density Zones. (review / discussion / action)

APPLICANT(S):	TOWN OF KILLINGLY
LANDOWNER(S):	TOWN OF KILLINGLY
SUBJECT PROPERTY:	580 Hartford Pike, Owen Bell Park
ASSESSOR'S INFO:	GIS MAP 114, LOT 43
ZONING DISTRICT:	Village Commercial / Low Density Zone
REQUEST:	Proposed Easement over a portion of Owen Bell Park
REGULATIONS:	CT General Laws Section 8-24 Review

DOCUMENTS

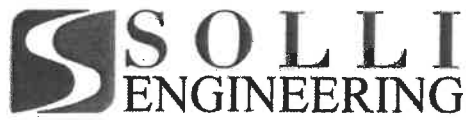
- 1) GIS Map showing the area of the proposed easement
 - 2) Correspondence from Solli Engineering, dated 05/08/2023, explaining the proposed easement
 - 3) Minutes from the Board of Recreation meeting dated May 22, 2023 – where the vote was unanimous to allow such easement with additional safety precautions – additional crosswalks and sidewalks
 - 4) Memorandum from the Town of Killingly's Park and Recreation Director, Matthew "Bucky" Lohbusch verifying the actions of the Board of Recreation
-

LEGAL NOTICES

No Legal Notices are required.

STAFF COMMENTS

Reminds Commission Members that their vote on this matter is advisory.



PROJECT NARRATIVE

To: Killingly Town Council

From: Kevin Solli, P.E., PTOE / Solli Engineering, LLC
Luke Mauro, P.E., PTOE / Solli Engineering, LLC

Subject: Proposed Commercial Development – Project Narrative
536, 542 & 553 Hartford Pike, Killingly, Connecticut
Project #: 23102501

Date: 05/08/23

CC: Dominic Carpionato / Dominion Realty Group, LLC

Solli Engineering (Solli) has prepared this Project Narrative to describe the existing site conditions and proposed site improvements for the Proposed Commercial Development at 536, 542 & 552 Hartford Pike in Killingly, Connecticut.

The site is located at 536, 542 & 552 Hartford Pike in Killingly, CT, and consists of three parcels totaling approximately 1.65 acres located within the Village Commercial Zone. The site is bound by Hartford Pike to the south, residential property to the west and northwest, Town property to the north and commercial property to the east. The parcels are currently accessed via unsignalized driveways from Hartford Pike. The property at 536 is vacant land while 542 and 552 each consist of a residential building.

The proposed work consists of the construction of a $\pm 12,580$ square-foot commercial building with drive-thru and associated site improvements such as concrete sidewalks, parking lots and driveways. The existing residential buildings are to be removed to accommodate the new building. Access to the development is proposed via an unsignalized, full-movement driveway at the southeast corner of the lot and additional egress from the development will occur via a right-out-only driveway at the southwest corner of the property.

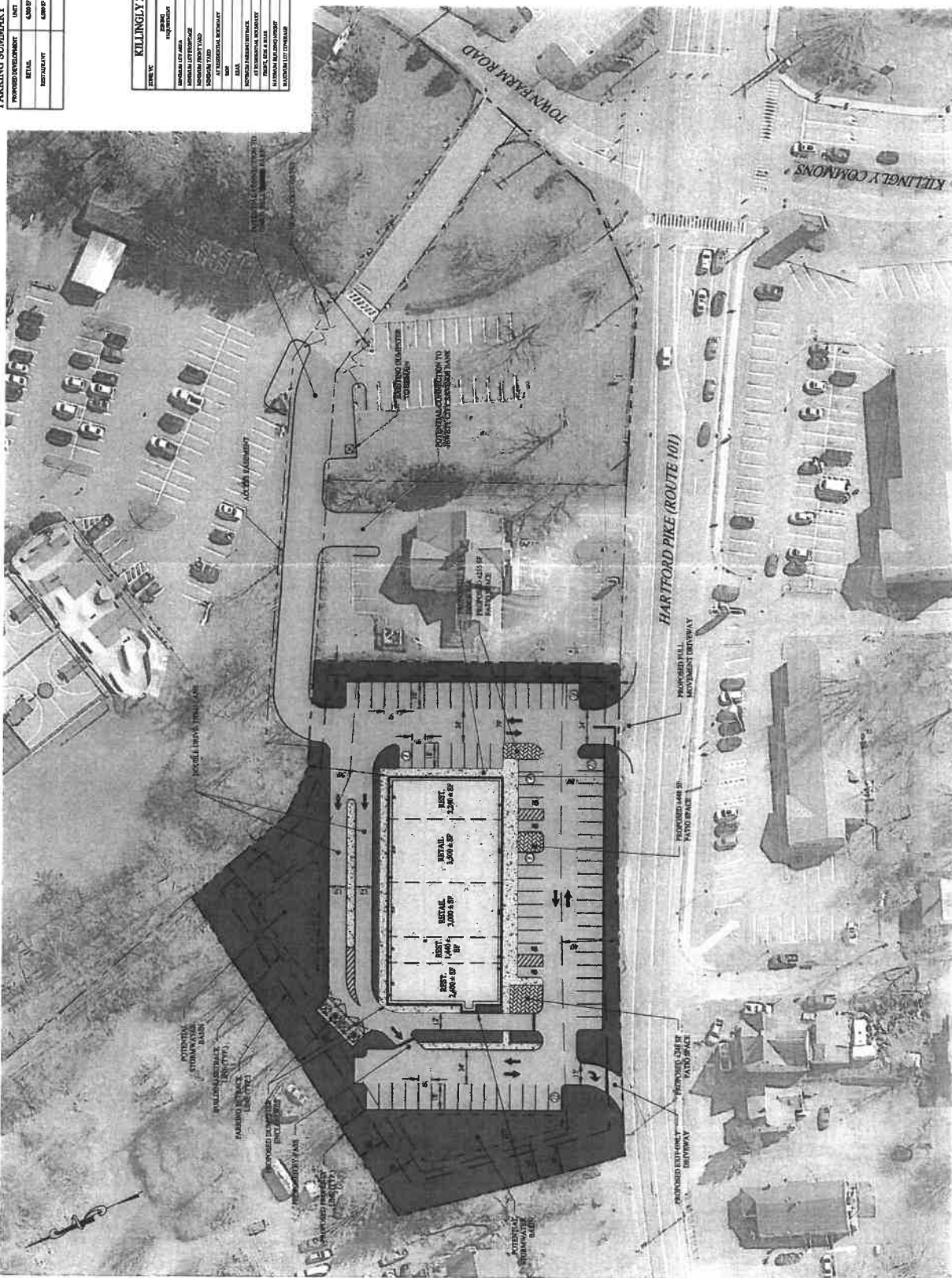
As a part of the development, the developer wishes to construct an access road to connect the development to the Owen Bell Park in order to allow for signalized access via Town Farm Road. As part of any future approvals for this connection to the park, the developer would secure a 30' wide access easement within the town owned property and assume maintenance responsibilities within the easement area. The developer would also work with the town to relocate gated access to the park lots to ensure the parking areas are not accessible during overnight hours. A conceptual site plan depicting the development proposal and access connection to the Owen Bell Park is attached.

501 Main Street, Suite 2A
Monroe, CT 06468
Office: (203) 880-5455

www.SolliEngineering.com

11 Vanderbilt Avenue, Suite 240
Norwood, MA 02062
Office: (781) 352-8491

PERIOD/DEVELOPMENT	UNIT	REQUIREMENT	PROVIDED
RETAIL	6,000 SF	19 SPACES / 300 SF	25
RESTAURANT	6,000 SF	19 SPACES / 1,215 SF OR 1,150 SF	30
		TOTAL	55

[illegible]

SOLLI
ENGINEERING

Down By:	VER
Checked By:	LAM
Approved By:	RMS
Project #:	2107961
Plan Date:	05/04/23
Scale:	1" = 30'

Kewee Sells, P.E.
CIT 25759

**PROPOSED
DEVELOPMENT**
536, 542, 552 HARTFORD PIKE
KILLINGLY, CONNECTICUT

Sheet Title: **CONCEPT PLAN** Sheet #: **CP-3**

Board of Recreation Meeting
Monday, May 22, 2023
Community Center
6:00pm

1. Call to Order: M. Phillips called the meeting to order @ 6:00pm
2. Roll Call: Present: M. Lehoux, V. Carter, K. Mahan, H. Blade F. Beriau, L. Zornado, M. Phillips, B. Lohbusch, M. Hayes. M. Phillips, T. Wakefield, B. Lohbusch, A. Eisley, M. Hayes, M. Calorio Absent with notification: J. Hegedus
3. Citizen's Participation: NA
4. Correspondence: NA
5. Adoption of Minutes: Motion was made by M. Lehoux, second by T. Wakefield. No further discussion all in favor, passed unanimously. M. Phillips abstained.
6. Unfinished Business:
 - a. Volunteer Recognition: Jeff Grocki, Kelly and Ed McClellan, Kris Brandrif, and Rena Masson were recognized for their support and volunteer hours to the recreation department. Certificates and gift cards were presented to each of them.
7. New Business:
 - a. Executive Session: Conveyance of an easement to Dominion Realty Group LLC. A motion was made to support the conveyance of an easement to Dominion Realty Group LLC with added recommendation for additional crosswalks and sidewalks as extra safety measures by T. Wakefield, seconded M. Lehoux. No further discussion, all in favor, passed unanimously.
8. Director's Report
 - a. Camp Wallaby: B. Lohbusch report there are currently 79 spots filled with 41 available. Out of town residents may now register for \$900. The goal number for Camp Wallaby is 120 campers.
 - b. RWB: June 30th is the scheduled date, with a rain date of July 7th. Permits and vendors are in place. This year \$14,300 was raised. RaRa's ice cream stand also contributed to our fund raising. B. Lohbusch reported the entire upper parking lot will be shut down to give additional space for food vendors.
 - c. Theater: B. Lohbusch reported \$16,000 was taken in from ticket sales. \$15,000 of sales were sold on Rec Desk. Having the ability to use credit cards online was an improvement to our procedure. The department is continuing to look for ways to further improve ticket sales. H. Blade is

hoping in the future people will have the opportunity to select seats when purchasing tickets. In addition, \$3000 was taken in from concessions. The expense of the show was under \$3000. H. Blade reported 55 kids performed in our latest show Frozen JR. Thirty of those kids were new to our theater. The next show is "Footloose", the last weekend in July and the first weekend in August. Also, an upcoming event "The Prom", July 15th. Music, dancing, food vendors, and an opportunity to dress for the prom!

- d. Spring Programs: A. Eisley report April Vacation programs were well received. Themes for the week: Mario Smash, Scavenger Hunt, Gaga Pit, movie, and pizza party. Giant Pizza donated the pizza. Bike Rodeo, Jellybean Trail, Senior Movie and Sweets and Story were all part of the spring programs.

9. Other: NA

10. Liaison Report: NA

11. Adjourn: Motioned made by F. Beriau, second by M. Lehoux. No further discussion, meeting adjourned.



TOWN OF KILLINGLY

PARKS & RECREATION KILLINGLY COMMUNITY CENTER

185 Broad Street, Danielson, CT 06239
Tel: 860-779-5390 Fax: 860-779-2758

Memorandum

Date: June 15, 2023

TO: PZC

FROM: Bucky Lohbusch, Parks & Recreation Director

RE: Conveyance of an easement to Dominion Realty Group LLC

On Monday May 22, 2023, the Board of Recreation held its regular meeting at the Killingly Community Center. Under new business was an executive session to discuss the conveyance of an easement to Domain Realty Group LLC. Due to the proximity of Owen Bell Park and the need for the use of the main entrance to the park a presentation was made to the board. The main concern of the Board of Recreation was the safety of entering and exiting the park. All questions by the board were addressed and answered. Out of executive session, the Board of Recreation made a motion to support the conveyance of an easement with added recommendations for additional crosswalks and sidewalks as extra safety measures to be installed in specific areas pointed out. The vote to approve this project moving forward was unanimous with all members present voting in favor.

Matthew "Bucky" Lohbusch
Town Of Killingly
Parks & Recreation Director

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

7) **Renewal – Spec Perm Appl #23-1316** – Snake Meadow Club, Inc; 567 Hubbard Road; GIS MAP 255: Lot 10; RD; request **FIRST** renewal of special permit for excavation of ~373,000 CY of sand and gravel from 19 acres of land. (review / discussion / action)

Staff Comments

Staff will give their comments, findings, and report on this proposed renewal during the meeting on Monday, June 17, 2023.



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

MONDAY – MAY 15, 2023

**Workshop Meeting - In Person
6:00 PM
TOWN MEETING ROOM – 2ND FLOOR
Killingly Town Hall
172 Main Street
Killingly, CT**

MINUTES

RECEIVED
TOWN CLERK, KILLINGLY, CT
2023 MAY 22 PM 2:56
Elizabeth M. Wilson

I. **CALL TO ORDER** – Acting Chair, Brian Card, called the meeting to order at 6:03 p.m.

ROLL CALL - Michael Hewko, Virge Lorents, Matthew Wendorf, John Sarantopoulos, Brian Card.
Keith Thurlow arrived at 6:44 p.m.

Staff Present – Ann-Marie Aubrey, Director of Planning & Development; Jonathan Blake, Planner I/ZEO.

Also Present – Attorney Evan J. Seeman, Robinson+Cole; Keith Kumnick, Commercial Real Estate Broker with Colliers International; J.S. Perreault, Recording Clerk.

Michael Hewko was seated as a Voting Member for this Meeting. He remained seated as a Voting Member for the duration of the meeting as Mr. Thurlow arrived toward the end of the meeting.

II. **WORKSHOP DISCUSSION** Review / Discussion / Action

1) Draft Regulations for Business Park

- a) Regulations – clean copy incorporated comments from legal counsel
- b) Definitions – clean copy incorporated comments from legal counsel
- c) Correspondence dated March 20, 2023, from Colliers re: regulations
- d) Memorandum dated May 10, 2023, from Robinson & Cole re: regulations

Motion was made by Virge Lorents to open the floor to discussion with the public regarding Draft Regulations for Business Park.

Second by John Sarantopoulos. No discussion.

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

Ann-Marie Aubrey explained that Town Attorney reviewed the proposed language, edits were incorporated for review by the PZC. Language regarding outdoor storage/enclosed storage were also incorporated, but other comments from Attorney Seeman and Mr. Kumnick were not incorporated as the Town Attorney and Staff felt these should be reviewed by the PZC with Attorney Seeman and Mr. Kumnick and then decide if those should be incorporated.

There was discussion regarding Section 436.3.d – Earth Filling and Excavation (page 4 of 8). Mr. Card questioned whether this should be moved over to Special Permit, Section 560, if it is a commercial operation. Mr. Blake stated agreement.

Regarding Light Manufacturing/Light Industrial, Mr. Card questioned whether Section 430.2 should be referenced.

It was noted that cannabis is in the draft twice (hh).

Ms. Aubrey stated that an updated clean copy will be provided to the Commission to be reviewed June 19, 2023 at 6 p.m.

III. MOTION TO ADJOURN

Motion was made by John Sarantopoulos to adjourn at 6:57 p.m.

Second by Michael Hewko. No discussion.

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

Respectfully submitted,

J.S. Perreault
Recording Clerk



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

MONDAY – MAY 15, 2023

Regular Meeting – HYBRID MEETING

7:00 PM

TOWN MEETING ROOM – 2ND FLOOR

Killingly Town Hall

172 Main Street

Killingly, CT

RECEIVED
TOWN CLERK, KILLINGLY, CT
2023 MAY 19 AM 7:59
Elizabeth M. Wilson

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

MINUTES

THE PUBLIC CAN VIEW THIS MEETING ON FACEBOOK LIVE.

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

- I. **CALL TO ORDER** – Chair, Keith Thurlow, called the meeting to order at 7:02 p.m.

ROLL CALL – Brian Card, Michael Hewko, Virge Lorents John Sarantopoulos, Matthew Wendorf, Keith Thurlow.

Staff Present – Ann-Marie Aubrey, Director of Planning & Development; Jonathan Blake, Planner I/ZEO

Also Present – J.S. Perreault, Recording Clerk.
There were two additional people present in the audience.
Present via Online – None.
- II. **SEATING OF ALTERNATES** – None.
- III. **AGENDA ADDENDUM** – None.
- IV. **CITIZENS' COMMENTS ON ITEMS NOT SUBJECT TO PUBLIC HEARING** (Individual presentations not to exceed 3 minutes; limited to an aggregate of 21 minutes unless otherwise indicated by a majority vote of the Commission)

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

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

To join by phone please dial 1-415-655-0001; and use the access code 2630 083 6165 when prompted.

Ann-Marie Aubrey explained that no public comments had been received on items not subject to the public hearing. She will present the public comments received for the public hearing for Special Permit Appl #23-1308 during the public hearing.

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

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

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

NOTE: To participate in THE PUBLIC HEARINGS – the public may join the meeting via telephone while viewing the meeting on Facebook live.

To join by phone please dial 1-415-655-0001; and use the access code 2630 083 6165 when prompted.

PUBLIC HEARINGS CONT:

1) Special Permit Appl #23-1308 – The Craft Group (Big-Y Foods, Inc./Landowner); 70 Wauregan Road; GIS MAP 217; Lot 57; ~8.3 acres; General Commercial; request to open a cannabis establishment (retail and manufacturing); Section 567, Cannabis Establishment; Section 700, et al, Special Permit; and Section 470 Site Plan Review.

The Applicants, Jonathan Androlewicz and Jenna Androlewicz, represented themselves. They gave a PowerPoint presentation:

- Approximately 3,000 square feet for manufacturing including extraction lab, solvent storage, ethanol and butane extraction, the water re-use system, storage and assembly areas.
- Approximately 3,000 square feet of retail space including security, retail floor, retail purchase systems, vault and fulfillment areas.
- Approximately 2,000 square feet of office space, facilities and closets.
- They do not have an operating facility as of this date.
- They would be doing both solvent and solventless extraction using butane and ethanol. He explained the process. Both systems are closed-loop, so there would be no waste going into the sewer system. A State-certified waste hauler would remove the bio-mass.
- Security is very heavily regulated under the Department of Consumer Protection. Every inch of the facility has to be under camera surveillance 24/7 (inside and outside) which is looped into the State Cannabis Control System. A generator has to be in place to guarantee backup. Their full security plan was provided to the Town Constables and the Fire Marshal for review, but Mr. Androlewicz has not met with them yet.
- They would be looking to hire 15-20 people for this facility.
- They are looking into doing a program with QVCC and may, at some point, offer a scholarship.

Ann-Marie Aubrey summarized the three public comment letters received earlier in the day from the following residents (available on the website): Michelle Murphy, 325 Breakneck Hill Road; Ulla Tiik-Barclay, 26 Dark Lantern Hill Road; and Kathy Fedor, 107 Primrose Crossing.

Ms. Aubrey responded:

- The public hearing was noticed as required under the State Statute and the Town Regulations. Legal Notice was posted with the Town Clerk's Office on April 27th and was published in the *Norwich Bulletin* on May 1st and May 8th.
- The Applicant put up two signs/Public Hearing placards (one near the entrance and one on the building).
- Staff did an inspection on May 5th and they were there in the proper timeframe.

Questions from the Commission were answered:

- Not growing, just manufacturing.
- The Applicant will meet with the Fire Marshal.
- Mr. Androlewicz explained about the parking.

Ms. Aubrey explained that the Applicant is requesting a waiver of having a survey done because there is already a survey on record. The survey shows 44 parking spaces. Mr. Blake indicated 58 parking spaces.

Mr. Androlewicz said that it would be mostly box trucks/sprinter vans. He has to discuss retail/customer parking with the landlord. He indicated that it would be the left side.

- All customers would use the main entrance in front where the current entrance is. Deliveries and employees would enter through the door in the back corner.

- Mr. Blake stated that the Applicant had provided responses to the Regulations.
- Mr. Thurlow reviewed the Regulations. There was discussion regarding the distance from the Little League Baseball Field (which is on Town property) and the nearby Marshal Arts Academy (the Regulations require a 500-foot radius). The distance is 831 feet from the property line of the proposed cannabis establishment straight to the edge of the baseball field grass (facility easement).
Mr. Card commented that a map should be included in the record showing the separation distance.
 - The three residential properties in the front are zoned low density (residential). The abutters list was not included in packets to Commission Members, but Ms. Aubrey stated that there is one in the file.
 - The Applicant stated that there are no potential nuisances. Not allowed to use on-site.
 - Regarding the POCD, Ms. Aubrey explained that it would be an allowed use under Special Permit and it does in-fill on our commercial area.
 - Regarding additional screening, Ms. Aubrey explained that you can't see it from the street (too high and too far back).
 - No exterior modifications to the existing building, except for a sign.
 - Between four-to-six point of sale systems (cash registers).
 - Fifteen-to-twenty employees with an additional two-to-three security people (inside only).
 - There was discussion regarding lighting. Night-sky compliant. Pedestal lights. Cameras are night vision.
 - Mr. Sarantopoulos commented that he has done research and there is no medical science that says that marijuana is good health-wise, other than that a lot of people that use it find a lot of relief. But, they do continuously warn that this is a pathway drug. He commented that Killingly acted in good faith and approved one cannabis establishment, but are now being asked to approve a second one. He said that he has a problem with it.
 - Ms. Lorents commented about cigarette smoking years ago compared to cannabis now. She is opposed.
 - Ms. Aubrey explained that the Applicant applied under the conditions as they stand now and the PZC has to look at the Application under the conditions/Regulations/State Statute as they stand now.
 - Mr. Card reviewed Section 567 with the Applicant:
 - 567.2.1.a - There is nothing in the packets regarding separation.
Jenna Androlewicz explained that they had met with Staff, who had done measurements and Staff told them that they meet all of the Zoning setbacks required for this establishment.
 - 567.2.1.b - Buffering
Jonathan Androlewicz explained that they feel that they are far enough away from the residential properties, but it is up to the Commission to decide if fencing/buffering is needed. Jenna Androlewicz explained that looking from the road, you can't really see it.
Mr. Card recommended that the Applicant state in the Application why they feel buffers do not apply.
 - 567.2.2.a - Identify the ballfield and setbacks on the map.
 - 567.2.2.d - Provide the email report for the record. Provide information regarding third-party security for inside the building.
 - 567.2.2.e - Jonathan Androlewicz explained that none of their processes use a lot of water, it is re-used. He explained that oils get pressed out. Only disposal will be solid waste. The bio-mass will be stored on-site, in a container, inside and it will be hauled off about once per week.
 - 567.2.2.h - If has been discussed, with Big Y, to locate the generator behind the building, but it has to be finalized. They plan to use propane, but would use natural gas if available.
Mr. Card asked that a site plan be provided showing the generator location, the fuel location, how it is being fenced-in and stored, ingress and egress, delivery point, what type of vehicles are coming in, loading dock, unloading dock and security relating to that. Need to comply with the site plan application rules as well. What size sign and location, make sure it meets the requirements.
 - Hours of Operation: Sunday through Saturday, 9 a.m. to 8 p.m. or 10 a.m. to 8 p.m. Reference for the record.
 - Location, amount and method for storage of butane and ethanol on site? What is the process? Is there an explosion/fire hazard during the process? Are there any emissions/venting from the process? Both processes would be done inside, but would be separated. Safety precautions? Architecturals/floor plan? Knox box location. There is an adjacent use.

There was no further public comment, either from people present in the audience or online.

Ms. Aubrey suggested that the public hearing be continued.

Motion was made by Virge Lorents to continue the public hearing for Special Permit Appl #23-1308 – The Craft Group (Big-Y Foods, Inc./Landowner); 70 Wauregan Road; GIS MAP 217; Lot 57; ~8.3 acres; General Commercial; request to open a cannabis establishment (retail and manufacturing); Section 567, Cannabis Establishment; Section 700, et al, Special Permit; and Section 470 Site Plan Review, to the next regularly scheduled meeting of the Planning and Zoning Commission to be held on Monday, June 19, 2023, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.

Second by Brian Card. No discussion.

Motion carried by voice vote (4-0-1). John Sarantopoulos abstained.

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

1) Special Permit Appl #23-1308 – The Craft Group (Big-Y Foods, Inc./Landowner); 70 Wauregan Road; GIS MAP 217; Lot 57; ~8.3 acres; General Commercial; request to open a cannabis establishment (retail and manufacturing); Section 567, Cannabis Establishment; Section 700, et al, Special Permit; and Section 470 Site Plan Review - Continued to June 19, 2023.

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

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

1) Workshop Meeting Minutes – APRIL 17, 2023

Motion was made by John Sarantopoulos to approve the Minutes of the Workshop Meeting – APRIL 17, 2023

Second by Matthew Wendorf. No discussion.

Motion carried by voice vote (3-0-2). Brian Card and Keith Thurlow abstained as they had not attended the meeting.

2) Regular Meeting Minutes –APRIL 17, 2023

Motion was made John Sarantopoulos to approve the Minutes of the Regular Meeting – APRIL 17, 2023

Second by Matthew Wendorf. No discussion.

Motion carried by voice vote (3-0-2). Brian Card and Keith Thurlow abstained as they had not attended the meeting.

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

1) WORKSHOP – IF NEEDED

a) Business Park – draft regulations – draft definitions – correspondence

Continued to June 19, 2023, at 6:00 p.m.

XI. CORRESPONDENCE

1) Zoning Practice – MAY 2023 – “In Defense of Local Zoning”

2) CT Federation of Planning and Zoning Agencies – SPRING 2023 –

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

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

B. Inland Wetlands and Watercourses Agent’s Report – No Report.

XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT – No representation.

XIV. TOWN COUNCIL LIAISON REPORT – No representation.

XV. ADJOURNMENT

Motion was made by Matthew Wendorf to adjourn at 7:57 p.m.

Second by Virge Lorents. No discussion.

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

Respectfully submitted,

J.S. Perreault

Recording Clerk

Kathie A. Hess
254 Modock Rd.
Pomfret Center, Ct. 06259
860-933-1815

- CORRESPONDENCE -

RECEIVED

JUN 13 2023

PLANNING & ZONING DEPT.
TOWN OF KILLINGLY

Anne-Marie L. Aubrey
Director, Planning and Development
Town of Killingly
172 Main St.
Killingly, Ct. 06239

Dear Director Aubrey,

My name is Kathie Hess, I am the lease holder at 2 Weeks Lane in Killingly. I have been approached by the landowner (Bruce and Brenda Weeks, 1 Weeks La, Killingly) regarding the purchase of my lot. The cottage has a drilled well and is connected to the Killingly WPCA. I believe the cottage also meets all ALZOD regulations. I am seeking your input regarding the purchase of the lot.

I have enclosed a map of the proposed lot for your review and comment. I look forward yours and the commissions guidance regarding this matter.

Please feel free to contact me at 860-933-1815 at any time.

My Best,

Kathie Hess



2 Weeks Lane - Draft Subdivision

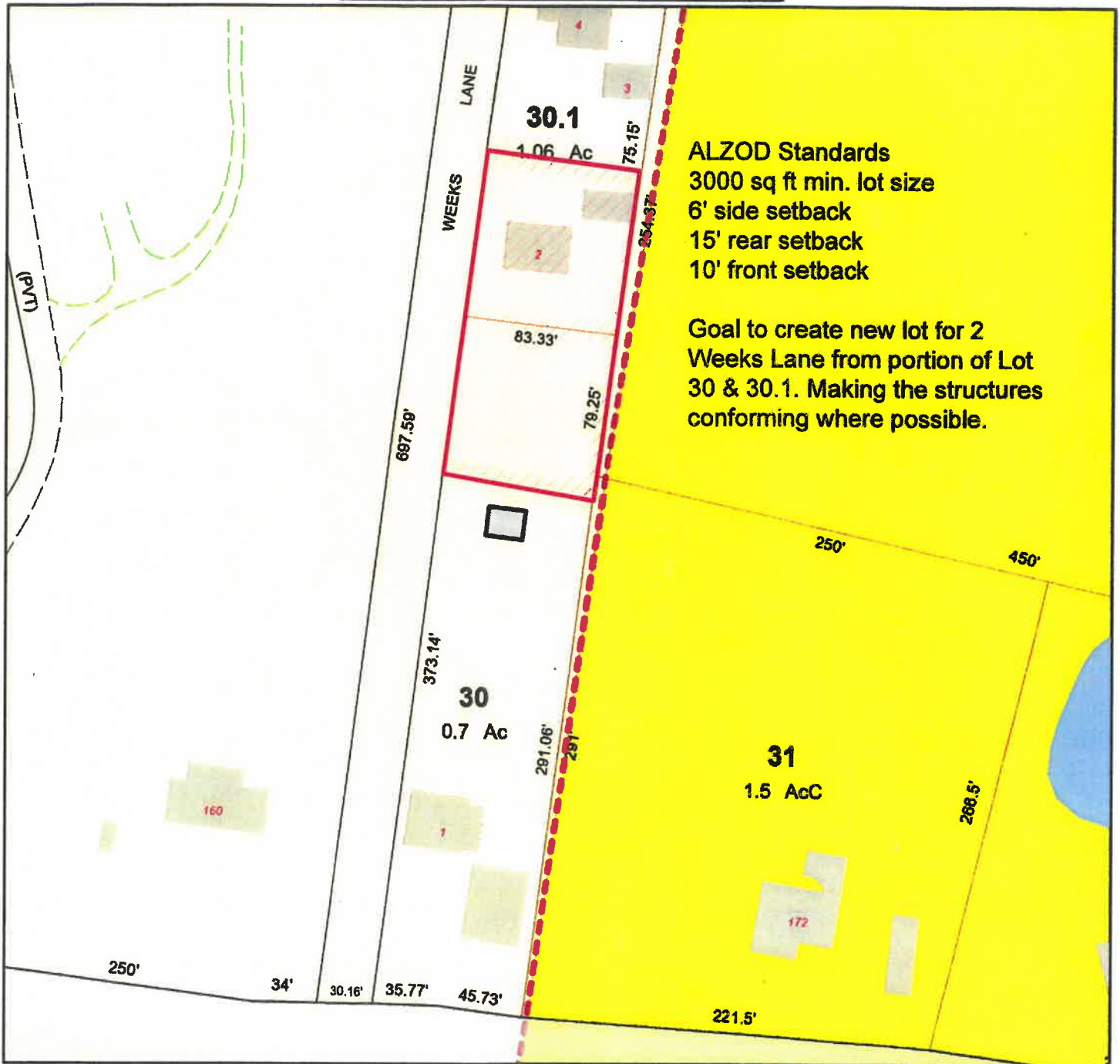
Town of Killingly, CT

1 inch = 80 Feet



www.cai-tech.com

June 12, 2023



— PROPERTYLINE	Buildings	Rural Development
— PVTRD	Condos	Low Density Residential
— ROAD	Right of Ways	World Hillshade
— PVTRD-RW	Water-poly	
— TRAIL	ALZOD	

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.

From the Bench



by Christopher J. Smith, Esquire, Alter & Pearson, LLC

The Science of Substantial Evidence Continues with McLoughlin

We all know that decisions by a land use board, commission or agency must be supported by “substantial evidence;” but what is “substantial evidence?” The Courts now look for expert testimony and evidence to substantiate the denial of most land use applications. Let’s review recent history.



Arguably, this started with wetlands applications where in *River Bend Associates, Inc. v. Conservation & Inland Wetlands Commission*, 269 Conn. 57 (2004), the Court held, in part, that “[e]vidence of general environmental impacts, mere speculation, or general concerns do not qualify as substantial evidence.” The Court held that evidence identifying and quantifying an adverse impact is required to deny a wetlands application.

Similarly, “sufficient evidence” identifying and quantifying an actual harm to a substantial public interest is required to substantiate a denial of an affordable housing application under Section 8-30g. See *Garden Homes Management Corporation, et al. v. Town Plan and Zoning Commission of the Town of Fairfield*, 191 Conn. App. 736, 752-754 (2019); cert denied, 333 Conn. 933 (2019).

In *American Institute for Neuro-Integrative Development, Inc. v. Town Plan and Zoning Commission of the Town of Fairfield*, 189 Conn. App. 332 (2019), the Court held that speculative concerns regarding adverse impacts associated with traffic do not constitute substantial

evidence required to deny a special exception application. The Court also held that where there is uncontroverted expert testimony that traffic will not be adversely impacted, the commission may not deny the application based on traffic.

In the recent decision of *McLoughlin, et al. v. Planning and Zoning Commission of the Town of Bethel*, 342 Conn. 737 (2022), the Court addressed what constitutes substantial evidence required to deny a special permit application based on impacts to property values, businesses and future development in a neighborhood. *McLoughlin* involved a special permit application for a crematory. During the public hearing, a number of property and business owners, along with the town’s Economic Development Commission, provided testimony of perceived adverse impacts to their properties, businesses and prospective development in the neighborhood. The Commission denied the application.

On appeal, the Court held that the Commission’s denial can be premised on general standards for special permits found in the zoning regulations, such as adverse impacts to property values, businesses and the neighborhood. However, the impacts must be “based on facts specific to the proposed site” and supported by substantial evidence. The Court held that testimony concerning potential environmental impacts attributed to emissions, possible impacts on businesses regarding concerns of employees and patrons, anticipated reductions in property values, and perceived impacts on the developability of the neighborhood, were

speculative and general in nature. The alleged impacts were not substantiated by expert testimony or evidence. Therefore, the Court found that the Commission’s denial was not supported by substantial evidence. The Commission was ordered to approve the special permit application for the crematory.

McLoughlin is consistent with the aforementioned Court decisions addressing what is required to substantiate the denial of a land use application; in particular, wetlands, special exception, special permit and affordable housing applications. General testimony of perceived or speculative harms (the proposal may adversely impact the wetlands, traffic or property values) is no longer enough. Expert testimony or evidence that identifies and quantifies adverse impacts associated with the specific facts before the Commission is required.

One might say that “science” has taken a more prominent role in the review of land use applications. This is probably not a bad thing. Land use is governed by regulations in derogation of property rights. It makes sense that the application of these regulations be governed more by certainty, not on perceived or speculative impacts. ■

— Chris Smith has a statewide land use practice. He practices at the law firm of Alter & Pearson, LLC, and may be reached at csmith@alterpearson.com.

ZONING PRACTICE

Unique Insights | Innovative Approaches | Practical Solutions

Creating Staff Reports With Pizzaz

In this Issue: [Creativity in Organizations](#) | [Synectics Exercises](#) | [Creative Problem Solving](#) | [Connections](#) | [References](#) | [Appendix](#)

FIT FOR PURPOSE: CREATIVITY

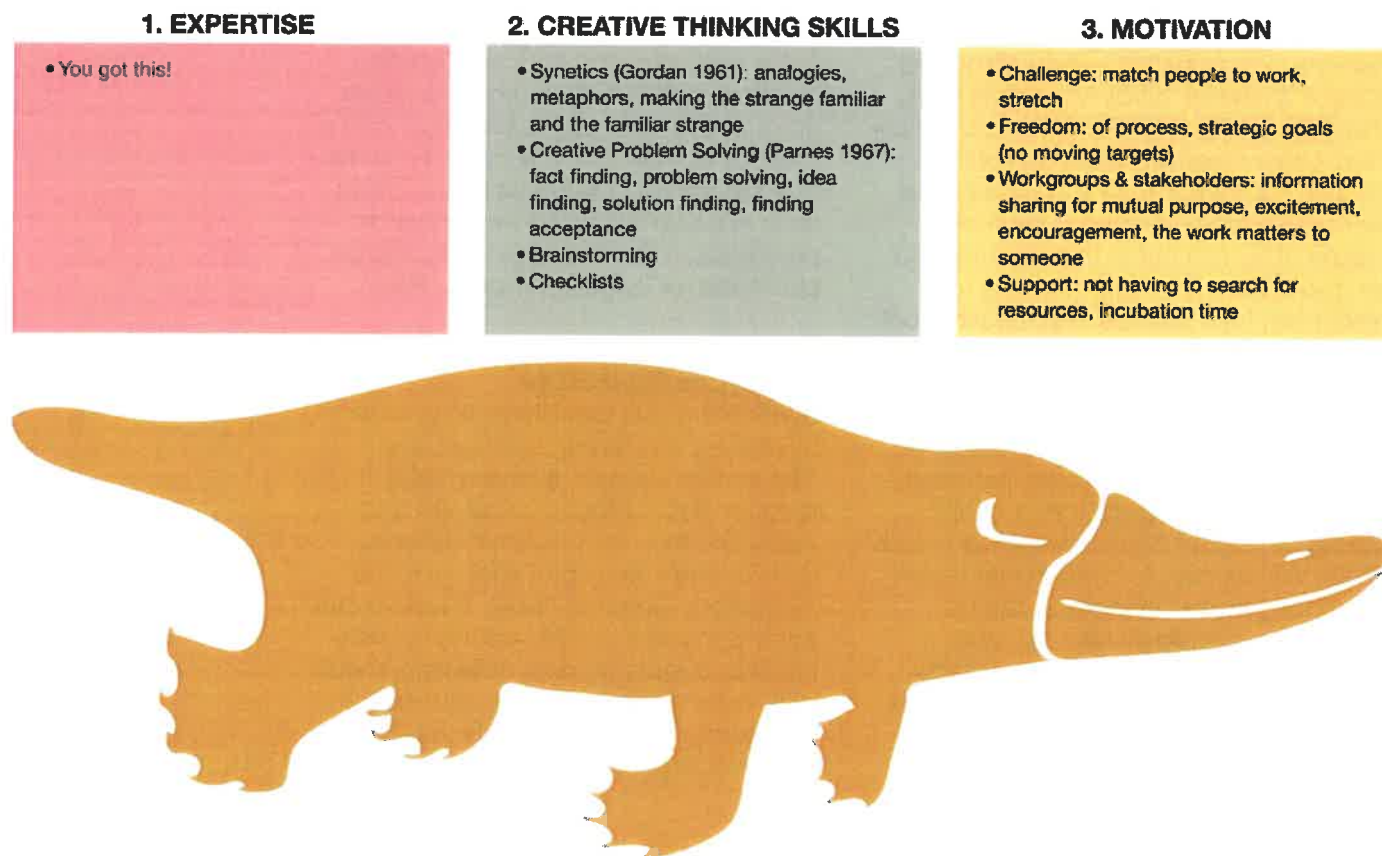


Figure 2. The three components of creativity and creativity boosters (Amabile 1996, 1998; Hartley 2005; Harrison et al. 2022) (Credit: American Planning Association)

Creativity in Organizations

The three components of creativity are *expertise*, *creative-thinking skills*, and *motivation* (Figure 2) (Amabile 1998; Harrison, Rouse, Fisher, and Amabile 2022). We focus on the second component, developing creative-thinking skills.

[Please note that the platypus is an unofficial mascot of planners. They have “plat” in their names. They are an unusual combination of other animals—the beaver, duck, and otter—just as planners are an unusual combination of other professions—engineering, architecture, and social welfare. Platypuses have fur *and* can lay eggs, can go underwater *and* on land, and have a sixth sense in their bills whereby they locate the electric fields of organisms. Aboriginal peoples relate a dreaming story whereby the platypus is asked by the birds, marsupials, and fish

to join their families. The platypus politely declines saying they want to be friends with each of the groups instead of joining one (Bino et al. 2019).]

The study of creativity in organizations started with examining creativity as an outcome but evolved to understand creative work as a process (Harrison et al. 2022). It is a “process in which ideas are generated, elaborated, evaluated, stored, discarded, or implemented into a product by individuals or groups . . . with the intention of producing novel and useful ideas” (Rouse and Harrison 2022). Planners will note that this process sounds very similar to the rational planning model (generating ideas, evaluating consequences, making a choice, implementing the choice, and evaluating the choice).

Creativity scholars find that creativity is easy to kill, particularly in organizations

Make a Style Board

A style board is a collection of images of different products that are out on the market (McDonagh and Denton 2005). This is a type of brainstorming, and brainstorming is a tried-and-true method of boosting creative thinking (Amabile 1996). Product designers use style boards to see what their competition is and gain insights. For example, when examining different styles, fashion designers take inspiration from the past, what they see people wearing on the street, what their elite clients (major stakeholders) might like, and what they envision the future being (Nixon and Blakley 2012). Look around and collect some staff reports. [Figure 3](#) shows a style board where staff reports are placed within the context of “fashion thinking.”

Here are some good ideas we spotted by looking at existing staff reports:

- Put a map on the cover sheet.
- Summarize the most important issues right away.
- Use checklists, bullet points, tables, and side bars to highlight information.
- Share research.
- Use photos to show surroundings or to illustrate options.
- Use aerials over time to show the history of a site.
- Put the recommendation and suggested motion on the first page.

Make a Mood Board

Mood boards are made from graphics, textures, photos, and even smells that are compiled on a board or poster to create a certain ambiance. It boosts new thinking and gets things out of people’s heads, making them accessible to others for discussion and understanding (Cassidy 2011; McDonagh and Storer 2004). Have each planner in the office make one about what they want to be able to do with staff reports and then share.

Visit a local art show, gallery, museum, or open some art books for ideas, like mobiles for balance, collages for layering information, or sculpture for using symbols to efficiently convey complex ideas and emotions from different angles.

[Figure 4](#) is a mood board inspired by mobiles that require balance. How many times are planners urged to balance



Figure 4. Mobile staff report mood board, incorporating the works of art by Katie Baldwin (“Paper Chain” 2014) and an unrecorded Lenape (Delaware) artist (early 1900s) from the Spencer Museum of Art in Lawrence, Kansas (Credit: Bonnie Johnson)

competing values or balance economy, ecology, and equity? Mobiles move and change mimicking different perspectives. The spiral in the mood board is similar to taking a lot of information and then homing in on a decision. The mobiles are also reminiscent of clothes lines—as in, yes, we might air some dirty laundry, but there are no secrets in the public sector.

Make an Avant-Garde Staff Report

The avant-garde art movement said to everyone, “Yes, you can be an artist too!” It freed people to take whatever was at hand and create something that conveyed their thoughts and feelings (Jagodzinski 2013). For example, they started making collages out of found objects. In a way, art is a means of conducting research and producing new knowledge (Orr and Wadud 2019). *Avant-garde* also means the *vanguard* or those out front taking the lead. Staff reports should lead the way.

To continue our analogy to the fashion world, fashion designers will make avant-garde clothes that are over the top and sometimes even hard to wear or walk in, but they do it to spark ideas for “accessible clothes.” Start with an actual rezoning or other application from the past; then

unspoken. Here are some modified examples of questions to ask commissioners and council members about staff reports and avant-garde staff reports:

- Think about the staff reports you usually read; what do you like or appreciate about them?
- Think about the style board, mood board, and avant-garde staff reports you looked at before the meeting; what new information about staff reports do you now have that no one else has?
- Do you have any worries or concerns about the staff reports you read? Do you have any solutions for change?
- How do you use staff reports in your decision-making, and could that change if staff reports changed?
- How should staff reports be made available (paper, podcast, video, online, poster, etc.)?
- What are your hopes and wishes for future staff reports?

The first question evokes a pleasant response, then the person is asked for “new information” or something that no one else knows, making them the expert. The next question asks for the person to describe any concerns but with solutions in mind. This helps the person realize how


hard solutions are, but, often times, individuals are the only ones who know what they prefer. At the end is a question about hope and wishes so that the facilitation ends on a high note.

Such sharing was done with a variety of commissions across the country using the Temperature Taking Technique. The resulting discussions with actual commissions helped staff understand what was working and what was not working. The main request of the commissioners was to have a better look at what goes on behind the scenes. What happens inside the black box? They wanted to know the stories of change and to understand thought processes. The side benefits of the exercise were affirming the good work planning staff were already doing and helping the commissioners feel comfortable asking questions about processes that, quite frankly, staff thought commissioners already understood but did not.

Creative Problem Solving

Instead of making the usual unusual, the Creative Problem Solving training system (Parnes 1967) promotes creative thinking skills through brainstorming and checklists to take what’s old and make it new again (Amabile 1996). Staff members in Lenexa,

Figure 6. Sample pages from a staff report to the Lenexa Planning Commission from January 2022 (Credit: City of Lenexa)

 Report to the Planning Commission	
MEETING DATE: January 3, 2022 CONSENT AGENDA ITEM: 3 & 4 PROJECT TITLE: Meritex Lenexa Executive Park Surface Second and Third Plat PROJECT # / REQUEST: PT22-01F – Final Plat PT22-02F – Final Plat	
APPLICANT: Mark Roseman, Meritex	OWNER: Meritex Lenexa Development LLC STAFF PLANNER: Christie McGuire
PROPERTY LOCATION: Located approximately at 99th Street and Orion Street	
SUMMARY OF RECOMMENDATION Staff recommends APPROVAL of the final plat for Meritex Lenexa Executive Park Surface, Second Plat Staff recommends APPROVAL of the final plat for Meritex Lenexa Executive Park Surface, Third Plat	
PROPOSED PROJECT DESCRIPTION AND BACKGROUND INFORMATION The applicant is requesting approval of two, one-lot subdivision plats for the Meritex Lenexa Executive Surface Roadways Park. The rezoning and preliminary plans for buildings 3, 4 and 5 of this business park, were approved in November 2021. This business park is being developed on the surface above the Meritex underground facility. CURRENT ZONING: BP-2, Planned Manufacturing District CURRENT USE: Undeveloped land PROPOSED USE: Warehouse ACRSAGE: Second Plat: 14.4 acres (Buildings 4 and 5) Third Plat: 27.9 acres (Building 3)	
COMPREHENSIVE PLAN RECOMMENDATION FOR AREA Business Park: Developments providing space for uses that may include light assembly and manufacturing or warehousing and distribution. Settings may range from campus-like business parks to single-use buildings. VICINITY ZONING PATTERN: North: BP-2, Planned Manufacturing District South: AO, Agricultural District East: AG, Agricultural District and BP-1 Planned Business Park District West: CP-3, Planned Regional Commercial District VICINITY LAND USE PATTERN: North: Warehouse distribution/storage facility, Meritex Surface Buildings 1 and 2, subsurface uses include underground storage and light manufacturing South: Undeveloped land, subsurface uses include underground storage and light manufacturing East: Undeveloped land West: Undeveloped land	
FINAL PLAT ANALYSIS, MERITEX LENEXA EXECUTIVE PARK SURFACE, SECOND PLAT The application is for a one-lot plat for a business park development. The property is a 27.9-acre tract of land that fronts on 99th Street at the intersection of Orion Road. Lot 1 of Meritex Lenexa Executive Park is directly to the north and all other surrounding land is currently unplatted. The northern property line along 99th Street shows lines of no access except for the locations of the two access points only the property. The plat will include two separate drainage easements for stormwater BMPs at the southeast and west corners of the site. No other easements or right-of-way are dedicated with this plat. INFORMATIONAL COMMENTS The Governing Body will consider acceptance of drainage easements, as shown on the final plat, on January 18, 2022. STAFF RECOMMENDATION Staff recommends APPROVAL of the final plat for Meritex Lenexa Executive Park Surface, Second Plat located at 99th and Orion Street.	
FINAL PLAT ANALYSIS, MERITEX LENEXA EXECUTIVE PARK SURFACE, THIRD PLAT The application is for a one-lot plat for a business park development. The property is a 14.4-acre tract of land that has frontage on 99th Street. Lot 1 of Meritex Lenexa Executive Park is directly to the east and Lot 1 of Orion Road Plat is to the west. To the north is the entrance to the Meritex underground as well as the entrance to the National Archives. Overall, the Meritex Business Park is centrally located.	

audience. Who are you writing the staff report for? The audience for Lenexa's planning commission staff reports covers a broad spectrum of groups, including the applicant, planning commissioners, city council members, the public, city staff, the media, and various members of the development community (e.g., developers, architects, engineers, contractors, professional associations, etc.). All of these groups needed to be considered when creating a new staff report template.

Evaluate Obstacles to Improvement

Ask yourself, "Who do I need to have support from in order to implement a change to my staff report?" Is it the planning manager, the community development director, the city manager, the planning commission, or someone else? Also ask yourself if your team—the other staff members that write or contribute to the reports—are on board with changes. Lenexa's planners ensured that their planning team, supervisor, the communications department, and the city manager's department were on board with making changes to the planning commission staff report. Planners kept everyone in the loop and ensured that they were able to review drafts and provide feedback as the

new template was developed.

What kind of software limitations do you have? Do you need to work with the current software, or do you have the ability (or requirement) to move the report into different software? What format is your planning commission meeting packet: paper or digital? Can you change this? In Lenexa, planners had to adapt the planning commission packet creation process to include agenda software called Civic-Clerk, while also making the report more creative. Not all software has the same capabilities, and some software can make creativity more cumbersome.

Make a Plan

Start by establishing goals for the new version of the staff report. Here are some potential aspects to consider:

- Improve readability.
- Modernize the look with branding.
- Provide more information with less text by using graphics, photos, and tables.
- Clarify process steps and important dates within the report.
- Simplify the report production process.

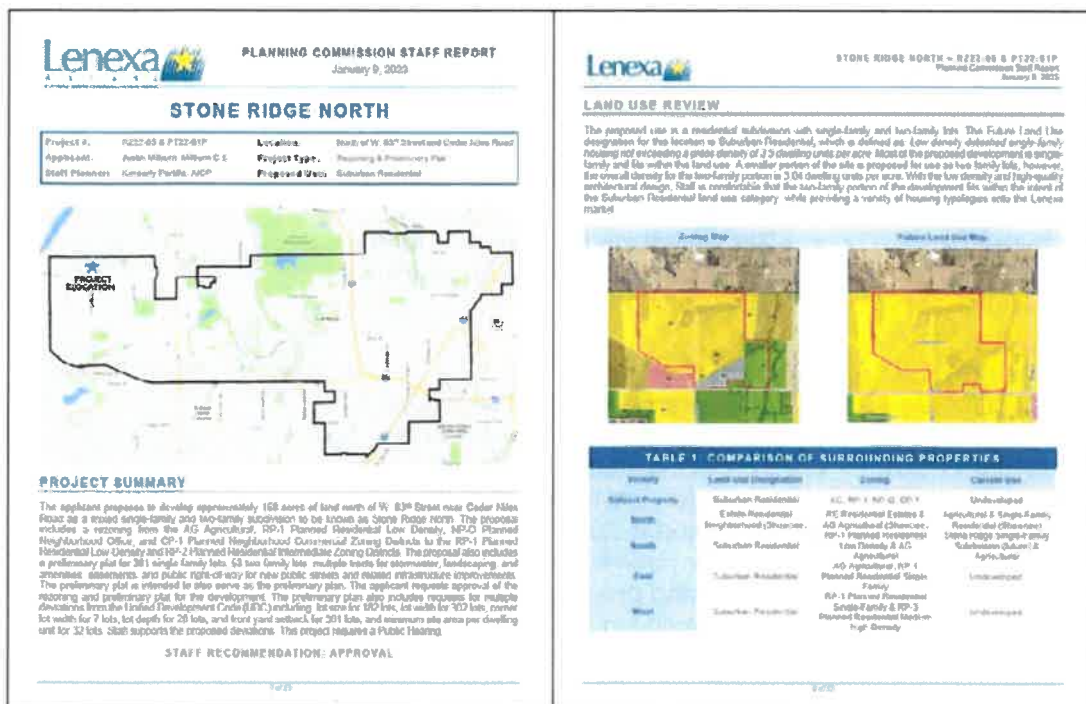


Figure 8. Sample pages from a staff report to the Lenexa Planning Commission from January 2023 (Credit: City of Lenexa)

spacing, clean formatting within the documents, consistent sections of information, a set style for tables, directions for certain graphic elements, and room for all the relevant information about the project. The templates are all in Word and can easily be adapted when staff finds something that needs to be changed. Staff now uses software to create the agenda and packet but adds the projects on the agenda as line items, with reports and plans attached as PDF exhibits rather than created within the software.

The staff reports are longer because of all the graphics, photos, and tables, which help provide context and tell the story of the project. In some cases, you can get a good idea of the project just by glancing at the images in the report.

As a bonus, the PowerPoint presentation for the planning commission meeting is very simple because the graphics for the slides are already complete from the staff report!

Connections

We focused on developing the creative thinking skills component of creativity and one ubiquitous product of planning, the staff report. We figure if you read *Zoning Practice*, you are already working on the foundational component of creativity, which is expertise. We think the exercises presented here will help with motivation (another basic component of creativity) and help planners see progress toward the goal of better planning practice.

Motivation is influenced by “the progress principle.” For organizations, managers should focus on enabling progress, even just small wins that “ignite joy, engagement, and creativity at work” (Amabile & Kramer 2011).

Researchers of creativity in organizations identify two different forms of motivation, intrinsic and extrinsic. Intrinsic motivation is the most powerful. It is the internal, burning desire to solve problems by wondering and exploring. However, intrinsic motivation can easily succumb to those creativity killers noted in the introduction. The management and workplace environment described under “Motivation” in Figure 2 will help maintain intrinsic motivation. Extrinsic motivation is trickier.

Monetary rewards alone will not boost motivation if it is seen as a means of control versus a bona fide reward for creative work. Encouragement can go a long way toward boosting motivation. We encourage you to give the creative thinking skills exercises described here a try.

We hope that the exercises help foster creativity from a process standpoint and results in a deliverable that makes a positive impact on your work life and on your community's life.

Acknowledgements: *The avant-garde staff report research was made possible by a Mellon Arts Research Integration (ARI) Faculty Research Fellowship via the Spencer Museum of Art at the University of Kansas. Special thanks goes to the ARI funded research assistant Savannah Wakefield and KU Center for Undergraduate Research Emerging Scholars funded research assistant Mary Morrison.*

References

About the Authors



Bonnie J. Johnson, FAICP, PHD, is Program Director/ Professor in the University of Kansas' Urban Planning Program within the School of Public Affairs

and Administration, where she teaches planning theory, land use, and politics, planning, and administration courses. Before returning to school for her doctorate, Johnson was a practicing city planner for eight years.



Stephanie Kisler, AICP, is the Planning Manager at the City of Lenexa, Kansas, and oversees the Planning Division of the Community Development

Department. Stephanie has over 10 years of experience working for municipalities in the Kansas City suburbs and the Chicago suburbs. She earned a Master of Regional and Community Planning from Kansas State University.

Appendix

The following checklists can help you evaluate existing staff reports and plan future improvements.

Necessary Content

- Identify the application request
- Identify application number
- Applicant name and company (if applicable)
- Site address/general location
- Site map showing an aerial view of the subject site
- Identify the size of the parcel
- Identify the size of the proposed structure or tenant space
- Current zoning classification
- Current land use classification
- Future land use designation (from Comprehensive Plan)
- Site history, including previous entitlements/approvals
- Review of whether adequate utilities (water, sewer, energy) can be or have been provided to the site
- Review of available transportation infrastructure (road, bicycle, pedestrian, transit)
- Staff recommendation with justification and any recommended conditions

Desirable Content

- Map showing the site location within the jurisdiction
- Map showing zoning in the vicinity
- Map showing future land uses planned in the vicinity (from Comprehensive Plan)
- Identify the parcel/property ID
- Table comparing zoning and land use on adjacent properties to the subject site
- Review of how the application relates to the Comprehensive Plan (or any other applicable plans adopted by the jurisdiction)
- Cite specific code sections when discussing detailed requirements
- Include an overview of the review/approval process for the application and key timeline information for the next steps in the process
- Identify if a public hearing is required
- Name of staff member writing the report
- Information regarding the methods/dates of public notification for public hearing

Other Content to Consider

- Property owner name
- Bird's eye view of the subject site
- Photos of the subject site
- Proximity to nearest public park
- Proximity to nearest schools
- Note if the site is within a floodplain
- Include the criteria for reviewing the application (findings of fact for special use permits, rezonings, or variances) and responses for each category
- Recommendations for solutions to unresolved issues with the applications
- Add language for proposed motions
- Notes of any relevant neighborhood meetings between the applicant and interested members of the public
- Notes if staff discussed the application with neighboring jurisdictions

Formatting Ideas

- Use cover sheet for basic information and summary (in case no one reads anything else!)
- Put recommendation in a consistent location
- Put photo/map of site on the cover sheet
- Add page numbers
- Include application information in header/footer
- Create standard formatting styles for headings, body, tables, graphic labels, etc.
- Use bullet points
- Use sidebars
- Label graphics/photos
- Use tables to align graphics/photos when multiples appear within the same section
- Use the jurisdiction's branding colors, fonts, and design features



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