



TOWN OF KILLINGLY, CT  
PLANNING AND ZONING COMMISSION

**MONDAY – NOVEMBER 21, 2022**

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

**TOWN MEETING ROOM – 2<sup>ND</sup> 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](http://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](mailto: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](http://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 2632 123 6933 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](mailto: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](http://www.killinglyct.gov).

RECEIVED  
TOWN CLERK, KILLINGLY, CT  
2022 NOV 18 AM 8:28  
*Elizabeth M. Wilson*

**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 2632 123 6933 when prompted**

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

Hearings’ segment closes.

Meeting Business will continue.

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

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

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

1) **Site Plan Review Ap #22-1301** – Luke Walker; (Susan Page / Owner); 208 Cutler Road; GIS MAP 5; LOT 4; 3.9 acres; ability to construct secondary dwelling unit; under TOK Zoning Regulations Section 586 (Secondary Dwelling Units) and Section 470 (Site Plan Review). **Receive application; staff is requesting the review be done at staff level.**

2) **Site Plan Review Ap #22-1302** – Woodbury Supply c/o Paul Niland; (Niland Holdings, LLC/Owner); 140 Louisa Viens Drive; GIS MAP 57; LOT 6; ~3.2 acres; Industrial Zone; for construction of two (2) commercial loading docks; under TOK Zoning Regulations Section 430 (Industrial District) and Section 470 (Site Plan Review). **Receive application, staff is requesting the review be done at staff level.**

3) **Special Permit Ap #22-1303** – Town of Killingly (United We Stand, LLC/Owner); 26 Soap Street; GIS MAP 106; LOT 15; ~0.68 acres; Village Commercial Zone; to locate the offices of the Town Constables as a Special Permitted Use; under T.O.K. Zoning Regulations; Section 420.1.2(a). Public Service Corp or Municipal Land Use. **Receive Application, schedule a hearing for Monday, December 19, 2022.**

(\*) Applications submitted prior to 5:00 PM on MONDAY, NOVEMBER 14, 2022 - will be on the agenda as New Business, with a “date of receipt” of MONDAY, NOVEMBER 21, 2022, and may be scheduled for action during the next regularly scheduled meeting of **MONDAY, DECEMBER 19, 2022.**

(\*) Applications submitted by 11:30 AM on FRIDAY, NOVEMBER 18, 2022, will be received by the Commission (“date of receipt”) on MONDAY, NOVEMBER 21, 2022. However, these applications may not be scheduled for action on MONDAY, DECEMBER 19, 2022, as they were submitted after the Commission’s deadline. This is in accordance with Commission policy to administer Public Act 03-177, effective October 1, 2003.

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

- 1) Workshop Meeting Minutes – October 17, 2022
- 2) Regular Meeting Minutes – October 17, 2022

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

1) **§8-24 Review Ap #22-1303**; Town of Killingly (United We Stand, LLC/Owner); 26 Soap Street; GIS MAP 106; LOT 15; ~0.68 acres; Village Commercial Zone; for the purchase of property at 26 Soap Street to use as a midterm location for the Town Constables.

2) **Zone TEXT Review** – General Commercial vs. Business Park – discuss next steps after the workshop meeting of Monday, November 21, 2022.

**XI. CORRESPONDENCE**

1) Letter received on November 15, 2022, regarding the parking lot at 1036 North Main Street. Please note staff could not determine the identity of the person sending the letter, signature was unreadable and no return address on envelope. Staff's report/response is included with the correspondence.

2) Killingly Planning & Zoning Commission Meeting Dates for January 2023 to January 2024

3) CT Federation of Planning & Zoning Agencies Quarterly Newsletter

**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**

PZC MEETING MONDAY, NOVEMBER 21, 2022

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

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

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<b>APPLICANT(S):</b>	MELISSA FRINK
<b>LANDOWNERS:</b>	DEVIN PENSAK
<b>SUBJECT PROPERTY:</b>	330 State Avenue
<b>ASSESSOR’S INFO:</b>	GIS MAP 111, LOT 16
<b>ACREAGE AMOUNT:</b>	0.44 ACRES
<b>ZONING DISTRICT:</b>	Low Density
<b>REQUEST:</b>	Request to run a home occupation (dog grooming) outside of the residence
<b>REGULATIONS:</b>	TOK Zoning Regulations Section 595. Home Occupations

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**Documents – November 21, 2022**

- 1) Complete Application
  - 2) Letter from Landowner giving Melissa Frink permission to establish her home occupation at the premises
  - 3) Copy of Trade Name Application – “Wizard of Pawz Pet Grooming” (grooming, bathing, and nail trimming)
  - 4) Copy of her application to the State of CT Dept of AG, Bureau of Regulatory Services for a grooming facility.
  - 5) GIS Street Map showing the location of the proposed establishment
  - 6) GIS Aerial Map showing the structures – residence and garage – on the premises
- 

**Legal Notices – November 21, 2022**

- 1) Legal Notice posted in Town Clerk’s Office on November 2, 2022, at 8:28 am
  - 2) Legal Notice published in Norwich Bulletin on Monday, November 7, 2022, and Monday, November 14, 2022.
  - 3) Public Hearing Placards were posted at the location and witnessed by the ZEO on Thursday, November 10, 2022
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**STAFF COMMENTS AND SUGGESTIONS – November 21, 2022**

- 1) Home Occupations are allowed in the Low-Density Zone, which is the zoning of premises
- 2) Home Occupations are allowed outside of the residence via a special permit under Section 595.2 of the TOK Zoning Regulations.
- 3) Staff agrees with a grant of a waiver of a site plan – the house was built in 1870, and the garage was built in 1919 according to the tax assessor field card – square footage of the garage (according to the tax assessor) is 440 square feet – less than half of the square footage allowed under zoning.
- 4) Staff believes the applicant has already applied for her trade name certificate and has made her application to the State of CT Department of Agriculture, Bureau of Regulatory Services for a grooming facility. The applicant appears to have taken all the required and necessary steps.
- 5) Staff has explained to the Applicant that if she becomes busy (read overly successful) – then she would need to find another location. Applicant has explained that she does not expect to become so busy as to adversely affect her residence or neighbors.



November 17, 2022

# 330 State Avenue

Killingly, CT

1 inch = 35 Feet



[www.cai-tech.com](http://www.cai-tech.com)



#22-1298

PROPERTYLINE

ROAD

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November 17, 2022

# 330 State Avenue

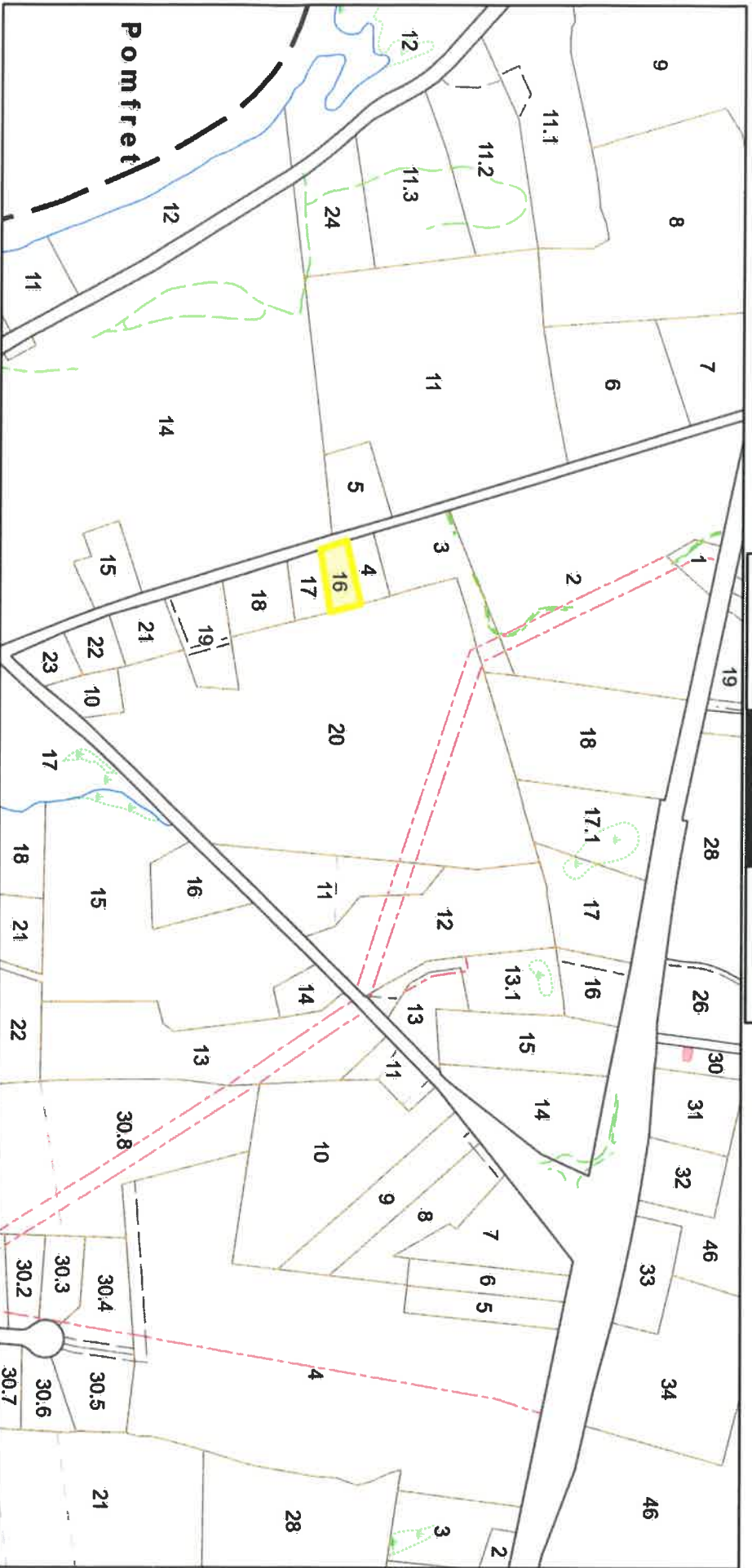
Killingly, CT

1 inch = 500 Feet

0 500 1000 1500



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Wet Areas	--- RW	--- UTILITY	--- PVT RD	--- CAI Town Line
Condos	--- TRACT LINE	--- WETLAND	--- PWATER	
--- PVT RD-RW	--- TRAIL	--- PROPERTY LINE	--- ROAD	

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#22-1298

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

1) **Site Plan Review Ap #22-1301** – Luke Walker; (Susan Page / Owner); 208 Cutler Road; GIS MAP 5; LOT 4; 3.9 acres; ability to construct secondary dwelling unit; under TOK Zoning Regulations Section 586 (Secondary Dwelling Units) and Section 470 (Site Plan Review). **Receive application; staff is requesting the review be done at staff level.**

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Staff is requesting that this site plan be completed by staff. 208 Cutler Road is a border parcel, existing in both the Town of Killingly and the Town of Putnam. Over half of the “major” residence is in the Town of Putnam, and the secondary dwelling unit is being built entirely within the Town of Killingly. So, it is more of an application for a single-family residence which would not be required to go before the Planning Zoning Commission.

Thank you.

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

2) **Site Plan Review Ap #22-1302** – Woodbury Supply c/o Paul Niland; (Niland Holdings, LLC/Owner); 140 Louisa Viens Drive; GIS MAP 57; LOT 6; ~3.2 acres; Industrial Zone; for construction of two (2) commercial loading docks; under TOK Zoning Regulations Section 430 (Industrial District) and Section 470 (Site Plan Review). **Receive application, staff is requesting the review be done at staff level.**

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Staff is requesting that this site plan be completed by staff. 140 Louisa Viens Drive is located within the Industrial Park – the back side of the park. Though the applicant will be adding a loading ramp, the ramps do not change (increase) the footprint of the building.



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

3) **Special Permit Ap #22-1303** – Town of Killingly (United We Stand, LLC/Owner); 26 Soap Street; GIS MAP 106; LOT 15; ~0.68 acres; Village Commercial Zone; to locate the offices of the Town Constables as a Special Permitted Use; under T.O.K. Zoning Regulations; Section 420.1.2(a). Public Service Corp or Municipal Land Use. **Receive Application, schedule a hearing for Monday, December 19, 2022.**

**-AND-**

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

1) **§8-24 Review Ap #22-1303**; Town of Killingly (United We Stand, LLC/Owner); 26 Soap Street; GIS MAP 106; LOT 15; ~0.68 acres; Village Commercial Zone; for the purchase of property at 26 Soap Street to use as a midterm location for the Town Constables.

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<b>APPLICANT(S):</b>	TOWN OF KILLINGLY (Town Manager)
<b>LANDOWNERS:</b>	United We Stand, LLC
<b>SUBJECT PROPERTY:</b>	26 Soap Street
<b>ASSESSOR'S INFO:</b>	GIS MAP 106, LOT 15
<b>ACREAGE AMOUNT:</b>	0.68 ACRES
<b>ZONING DISTRICT:</b>	Village Commercial Zone
<b>REQUEST:</b>	§8-24 – Opinion to purchase real estate for use as a midterm location for Town Constables
	Special Permit – to use real estate as a midterm location for Town Constables
<b>REGULATIONS:</b>	§8-24 – Opinion
	Special Permit – under Section 420.1.2(a). Public Service Corp or Municipal Land Use

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**SPECIAL PERMIT** – Tonight the Commission is Requested to schedule a hearing for December 19, 2022.

**§8-24 REVIEW** – Tonight the Commission is Requested to offer up their opinion only – if the Town Council should proceed to consider the purchase of the real estate as a possible midterm office location for the Town Constables. The Town Manager will be attending the meeting to answer any questions the Commission may have.

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#22-1303

## AGENDA ITEM COVER SHEET

**ITEM:**           **Consideration and action on the 8-24 review for the purchase of property at 26 Soap Street.**

**ITEM PREPARED BY:**                           Mary T. Calorio, Town Manager

**FOR COUNCIL MEETING OF:**               November 22, 2022

**TOWN MANAGER APPROVAL:** \_\_\_\_\_

**ITEM SUMMARY:**                               This is for the 8-24 review for the purchase of property at 26 Soap Street. The Town has been evaluating properties for the relocation of the administrative offices of our law enforcement division as the Town continues to grow this department. Recognizing that the long-term goal of the Town is to move to a municipal police force, the Town needs to identify a midterm location which will allow the program to grow as the community determines the needs/location and investment for a full police facility that will be needed to become an independent municipal department. The proposed facility meets those midterm needs of the department.

The current office space is located in the Town Hall and is at maximum capacity with six officers. The Town is in the process of hiring two additional officers. With those additions the existing space is insufficient. The Town Council authorized the use of up to \$800,000 of American Rescue Plan Act Funding (ARPA) for the relocation of law enforcement administrative offices.

Department staff has evaluated nine locations throughout town. Many spaces would have required ongoing leases. This property affords a central location, minimal renovations for occupancy use and close connection to our fiber network.

The property was fully renovated in 2016, including all mechanical systems. The owner also constructed a three-bay garage. This will be utilized for vehicle and equipment storage. The rear portion of the property, behind the garage, is secured with fencing. The property has well water and town sewer.

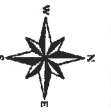


Google

#221303







November 17, 2022

# 26 Soap Street

Killingly, CT

1 inch = 50 Feet



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TRACT LINE

PROPERTY LINE

ROAD

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#22-1303



November 17, 2022

## 26 Soap Street

Killingly, CT

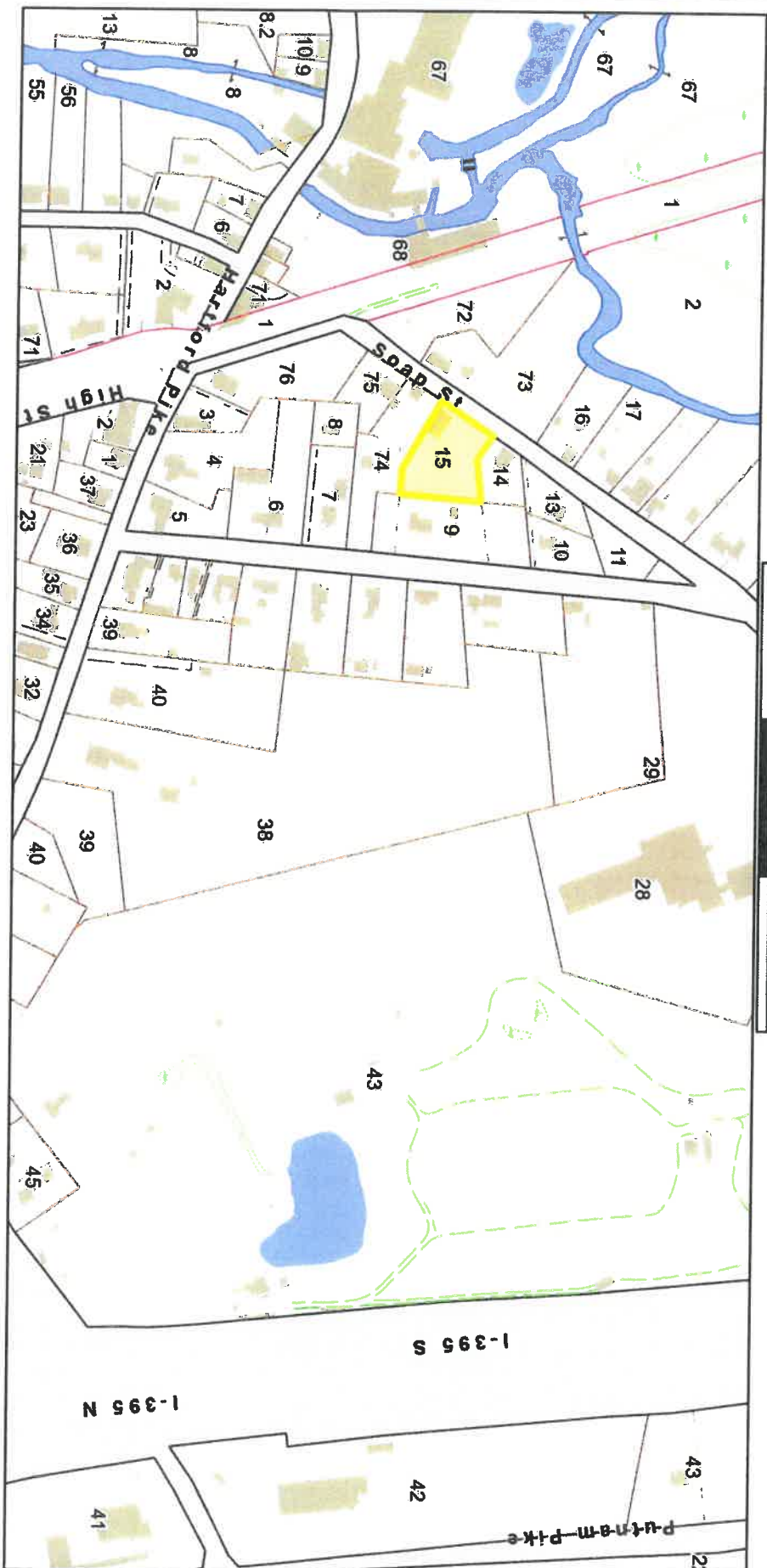
1 inch = 350 Feet

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Water-poly Buildings RW WETLAND RAILROAD

Wet Areas DAM TRACT LINE PROPERTYLINE ROAD

Right of Ways Property Hook TRAIL PWATER

#22-1303

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

**MONDAY – OCTOBER 17, 2022**

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

**TOWN MEETING ROOM – 2<sup>ND</sup> FLOOR  
Killingly Town Hall  
172 Main Street  
Killingly, CT**

**WORKSHOP MINUTES**

RECEIVED  
TOWN OF KILLINGLY  
2022 OCT 24 AM 7:18  
Elizabeth M. Wilson

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

**ROLL CALL - PLANNING & ZONING COMMISSION:**

Michael Hewko, Virge Lorents, John Sarantopoulos, Matthew Wendorf and Keith Thurlow.  
Brian Card was absent with notice.

**ROLL CALL - ECONOMIC DEVELOPMENT COMMISSION:**

William Cheng; Dale Desmarais, Mark Tillinghast, Todd Cooke, Jay Lirette.  
Kevin Cole was absent.

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

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

II. **WORKSHOP DISCUSSION**

\* Review / Discussion / Action

\* Comparison of General Commercial Zone Regulations to Business Park Regulations

Keith Thurlow explained that this workshop is to get input from the EDC regarding their recommendation as to what to do about the Business Park (remain Business Park or change to General Commercial). Brian Card had advocated for something other than the text changes that had been recently approved, with conditions (effective November 22, 2022, at 12:01 a.m.). The Applicant's representatives, Attorney Evan J. Seeman with Robinson+Cole and Keith Kumnick, Commercial Real Estate Broker with Colliers International, were present in the audience.



Ann-Marie Aubrey explained that an Applicant had come before the PZC. Warehouse was already allowed as an accessory use, but the Applicant wanted to make it allowed as a primary use. Mr. Card had suggested looking at making the Business Park a GC zone because warehouse and distribution is allowed in GC.

Ms. Aubrey explained that she had done a comparison of a GC Zone to a BP Zone (copies of the comparison chart that she prepared were provided):

- There are many restrictions/requirements in the BP Zone that are not in any of the other zones in Town.
- The Business Park has been in existence for over twenty years and nobody has developed anything on it yet. There must be something lacking in how it is written.
- Ms. Aubrey explained about the dimensional table. Setbacks are somewhat extreme compared to other districts.
- Every use in the Business Park requires a special permit.
- There are lots in the Business Park that would not be able to be used.

Virge Lorents spoke about the history of the Business Park explaining that the PZC, at the time, imposed the more restrictive regulations than in GC in response to intense demand by neighbors. She feels that, while public opinion matters, the PZC over-reacted.

John Sarantopoulos stated that he feels that the EDC should have weighed in on the Application that came before the PZC two months ago. He spoke of his opinion that the Business Park was structured for high tech to go in there. He said that he agrees with Brian Card to zone it GC.

Ms. Aubrey commented that we are aware that there is an issue and we are trying to resolve the issue in the best way that we can that will help the community overall. Everyone has the right to develop their land within certain requirements of the Town. She suggested reviewing the comparison chart as she is looking for instruction from both the PZC and the EDC. There is no deadline.

Mr. Thurlow asked if Attorney Evan J. Seeman and Keith Kumnick if they had any comments/feedback.

Attorney Seeman stated that he reviewed the comparison chart and found it helpful. He said that they were in attendance to observe.

Keith Kumnick offered to answer any questions.

Motion was made by Virge Lorents to suspend the rules to open the floor to discussion with Members of the Economic Development Commission and the public.

Second by John Sarantopoulos. No discussion.

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

Dale Desmarais spoke about the history of the Business Park and how the biggest problem was the infrastructure (\$2 million, at the time, to get water there). He said that he had gone to a meeting in Hartford and the Business Parks were empty. He explained that he has been told that there is a lot of interest in northeast Connecticut right now with rail siding and property along I-395 (they don't want the problems of going through neighborhoods).

Mr. Thurlow stated that you won't necessarily need city water or city sewer.

Ms. Aubrey explained that we need to look at what would feasibly work at that site. Construction technology has changed from 20+ years ago.

Jonathan Blake explained that there are some uses in the Business Park that don't exist elsewhere in Zoning (e.g. Data Center). He explained about other uses in the different zones. He explained that, if we re-zone, we would eliminate the Business Park and try to recapture those uses and, at the same time, look to add that language to the other zones. Some make more sense in Industrial rather than in GC. Discussion continued.

Ms. Aubrey explained that they have been looking for a different way to rewrite the whole Zoning Regulations to make them more user friendly. Currently, there is not consistency for the same use in the different districts.

Mr. Blake explained that there had been an attempt to change the Business Park to Industrial which was denied by the Commission. He said that the GC, with some tweaks, seems to be a good match for the property.

Ms. Aubrey explained that she had researched by looking at the *North American Industry Classification System* which is the system used across the United States. She explained how a chart can be used for easy comparisons.

Mr. Thurlow asked Attorney Seeman or Mr. Kumnick if they had any comments.

Attorney Seeman explained that they did not feel comfortable with proposing to remove an entire zoning district from the Regulations and secondly, they couldn't re-zone the entire BP Zone because they don't represent all of the property owners.

There was discussion regarding Walmart.

Mark Tillinghast explained that a concern in the beginning, for the EDC, was trying to maximize the use of the property. He explained that a reason for some of the restrictions was to make sure that there would be a road for people who owned property in the back so they would have an opportunity to develop or sell their properties, as well as for the good of the Town.

Ms. Aubrey explained that you don't have to control that by a conceptual plan.

Jill St. Clair explained that you have to be market ready. The infrastructure has to be there. She consulted the *National Strategy for Research and Development Infrastructure of 2021* to see what the government is incentivizing to get companies to come here. She said that we are a manufacturing community and with that comes warehousing. She suggests re-zoning to General Commercial capturing those uses in the Business Park and remove the barriers to activate that space.

Mr. Thurlow explained that he agrees with eliminating the BP Zone.

William Cheng asked Mr. Kumnick for his opinion and also for the opinions of the EDC.

Mr. Kumnick explained that, from a marketing perspective, the most active is the industrial side (warehouse distribution) and industrial uses (light manufacturing, light assembly). He said that maybe some of the other uses on Lake Road would fit there also. He does not feel you will be getting a large office campus or Research & Development facilities. They are gravitating toward Cambridge and Yale because they want to be right near the universities. He said that the Commission needs to decide what kind of development it wants to see there. Attorney Seeman explained that the reason that they submitted the text change application was primarily because warehouse and distribution was only allowed as an accessory use in the BP Zone.

Mr. Kumnick explained that, historically, there were issues with utilities. They investigated the utilities and the sewer has been approved (it runs in Westcott Road). The Town Engineer had stated that, for most uses, there are no capacity issues. Water is on the other side as would require a pump to get it up there, but the cost was not prohibitive. Gas is also on the other side of I-395.

Todd Cooke commented that there could be a lot of push back from the public.

Dale Desmarais commented that all of his customers in the Industrial Park are looking for warehouse space (20,000 – 150,000 s.f.). He said that there is a big need for a giant freezer (1 million square foot) in this area right now.

Jay Lirette commented that he agrees with Mr. Thurlow and Ms. St. Clair and that we need to look at what is vital by industry and by community.

Mark Tillinghast stated that it is a residentially sensitive area, but he is of the mind. Times have changed. He likes the idea of the warehouse and putting the BP uses in the GC that aren't currently in there. There was discussion regarding the circumstances under which the EDC and the PZC meet together to share ideas.

Mr. Thurlow commented that he likes working together with the EDC for the Town.

There was discussion regarding when to have another workshop together with the EDC. It was decided to have another Workshop on Monday, November 21, 2022, at 6 p.m.

**III. MOTION TO ADJOURN**

\*PLANNING ZONING COMMISSION

\*ECONOMIC DEVELOPMENT COMMISSION

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

Motion was made by Virge Lorents to adjourn at 6:58 p.m.

Second by Michael Hewko. No discussion.

Motion carried unanimously by voice vote (5-0-0). There were no objections voiced.

Respectfully submitted,

J.S. Perreault  
Recording Clerk



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PLANNING AND ZONING COMMISSION**

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**172 Main Street**

**Killingly, CT**

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DUE TO TECHNICAL DIFFICULTIES BEGINNING AT 7:12 P.M., THIS MEETING WAS NOT ABLE TO  
BE VIEWED ONLINE.

I. **CALL TO ORDER** – Chair, Keith Thurlow, called the meeting to order at 7:08 p.m.

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

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

**Also Present (in person)** – Paul Archer, Archer Surveying; Patrick Johnson; Thavone Sangasy; Chahn Seng; Jason Anderson, Town Council Liaison; J.S. Perreault, Recording Clerk.

**Present via Webex:** None.

II. **SEATING OF ALTERNATES**

Michael Hewko was seated as a Voting Member for this meeting in the absence of Brian Card.

III. **AGENDA ADDENDUM** – None.

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

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Eugene M. Division

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

Ann-Marie Aubrey read aloud the above call-in information.

There was no public comment.

**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](mailto: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](http://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 319 6957 when prompted**

**1) Special Permit Ap #22-1296 – Nutmeg Killingly JV LLC (Darien Post Rd LTD & Flanders Post Rd LP / Owner); 1076 North Main Street; GIS MAP 130, LOT 6; vacant bank bldg.; adult use cannabis retail establishment, under T.O.K. Zoning Regulations Section 420.2.2.r (under General Commercial Use); Section 567 Cannabis Establishments. CONT. FROM 09/19/2022**

Paul Archer, Archer Surveying, represented the Applicant. Also present was Patrick Johnson who stated that he works with the Applicant and that he represents the Social Equity Partners and the Joint Venture Partners.

Mr. Archer reviewed the four items for which the Commission requested more information/clarification (plans were displayed as discussed):

- Hours of Operation: Monday through Thursday - 9 a.m. to 8 p.m.  
Friday and Saturday - 9 a.m. to 9 p.m.  
Sunday – 10 a.m. to 5 p.m.

At this time (7:12 p.m.), technical difficulties began because FaceBook went down. The meeting resumed at 7:14 p.m. without the video functioning.

Mr. Archer continued:

- Lighting - Mr. Archer explained that they are not proposing any new lighting to be added to the building. The plan was modified to show where the existing lighting is, that they will be using, on the building.
- Parking Calculations – A letter (dated September 30, 2022) from David A. Smith, PE, LS, Principal Engineer for Archer Surveying, was submitted. Mr. Archer stated that the parking calculations had also been added to the plans. Mr. Archer explained that 254 spaces are required and there are currently 363 spaces. Mr. Archer explained that 6 ADA spaces and 1 van-accessible space are required and they show 7 ADA spaces with 1 van-accessible space.
- 25-foot Buffer on the Residential-Use Properties – Mr. Archer explained that they highlighted the two areas of concern in green on the plans. He explained that they located the fence and all of the trees. He stated that all of the trees are on the shopping center's property. Therefore, he feels that they have adequately demonstrated that there is ample buffering, as it exists (photos had been submitted).

Mr. Archer stated that these items had been reviewed with Staff.

**QUESTIONS/COMMENTS FROM STAFF:**

Ann-Marie Aubrey stated that she had reviewed the Minutes of last month's meeting and she believes that they have responded to all of the items. She stated that she had e-mail contact with Mr. Card who did not respond with any comments or concerns.

There were no questions or comments from the Commission.

There were no comments from the public.

Motion was made by Virge Lorents to close the public hearing for **Special Permit Ap #22-1296** – Nutmeg Killingly JV LLC (Darien Post Rd LTD & Flanders Post Rd LP / Owner); 1076 North Main Street; GIS MAP 130, LOT 6; vacant bank bldg.; adult use cannabis retail establishment, under T.O.K. Zoning Regulations Section 420.2.2.r (under General Commercial Use); Section 567 Cannabis Establishments.

Second by John Sarantopoulos. No discussion.

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

2) **Zone MAP Change Ap #22-1297** – Sangasy, Thavone (Applicant/Owner), Seng, Chahn (Owner); 7 Valley Road, GIS MAP 130, LOT 29, ~0.5 acres – request to change from General Commercial Zone to Low Density Residential Zone under Article IX of the T.O.K. Zoning Regulations.

**COMMENTS FROM STAFF:**

Ann-Marie Aubrey explained that this parcel was previously zoned Low-Density Residential, but had been re-zoned by the PZC. The current owner purchased the property as a residence and it is still being used as a residence to this date. The current owner would like the zone to be changed back to Low-Density Residential because he wants to put solar panels on the roof. However, the solar company will not install any panels for a residence in a General Commercial Zone. The property abuts a Low-Density Residential District.

Ms. Aubrey stated that Staff does not see any problem with reversing the zoning back to Low-Density Residential for the following reasons:

- It was zoned residential at one time;
- It abuts a large low-density zone;
- It was, and continues to be used as, a residence.

Ms. Aubrey stated that Staff feels that it would be a burden to the Applicant to require the Applicant to get a survey done when the Commission changed the zone and did not have a survey done. The parcel has not been changed.

Jonathan Blake added that the adjacent parcel had just been re-surveyed.

**QUESTIONS/COMMENTS FROM THE COMMISSION:**

Keith Thurlow stated that it is bordered by commercial on two sides and residential on one side, so we would be extending an existing residential zone.

There were no comments from the public.

Motion was made by Virge Lorents to close the public hearing for **Zone MAP Change Ap #22-1297** – Sangasy, Thavone (Applicant/Owner), Seng, Chahn (Owner); 7 Valley Road, GIS MAP 130, LOT 29, ~0.5 acres – request to change from General Commercial Zone to Low Density Residential Zone under Article IX of the T.O.K. Zoning Regulations.

Second by Michael Hewko. No discussion.

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



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

1) **Special Permit Ap #22-1296** – Nutmeg Killingly JV LLC (Darien Post Rd LTD & Flanders Post Rd LP / Owner); 1076 North Main Street; GIS MAP 130, LOT 6; vacant bank bldg.; adult use cannabis retail establishment, under T.O.K. Zoning Regulations Section 420.2.2.r (under General Commercial Use); Section 567 Cannabis Establishments.  
**CONT.FROM 09/19/2022**

Motion was made by Michael Hewko to approve **Special Permit Ap #22-1296** – Nutmeg Killingly JV LLC (Darien Post Rd LTD & Flanders Post Rd LP / Owner); 1076 North Main Street; GIS MAP 130, LOT 6; vacant bank bldg.; adult use cannabis retail establishment, under T.O.K. Zoning Regulations Section 420.2.2.r (under General Commercial Use); Section 567 Cannabis Establishments.

Second by Virge Lorents. No discussion.

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

Motion carried unanimously (5-0-0).

2) **Zone MAP Change Ap #22-1297** – Sangasy, Thavone (Applicant/Owner), Seng, Chahn (Owner); 7 Valley Road, GIS MAP 130, LOT 29, ~0.5 acres – request to change from General Commercial Zone to Low Density Residential Zone under Article IX of the T.O.K. Zoning Regulations.

Motion was made by Virge Lorents to approve **Zone MAP Change Ap #22-1297** – Sangasy, Thavone (Applicant/Owner), Seng, Chahn (Owner); 7 Valley Road, GIS MAP 130, LOT 29, ~0.5 acres – request to change from General Commercial Zone to Low Density Residential Zone under Article IX of the T.O.K. Zoning Regulations because there are no problems in doing so.

Second by John Sarantopoulos. No discussion.

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

Motion carried unanimously (5-0-0).

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

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

Jonathan Blake stated that Staff met with the Applicant and the Application is complete.

Motion was made by John Sarantopoulos to schedule a public hearing for **Special Permit Ap #22-1298** – Melissa Frink; (Davin Pensak / Owner); 330 State Avenue; GIS MAP 111; LOT 16; ~0.44 acres; Low Density Zone; request special permit to allow home occupation in a building outside the residence in the garage / “Wizard of Pawz Pet Grooming”; under Section 410.2.1.h; Section 595.1(A-M); and Section 595.2; and Article VII (Special Permits), for the next regularly scheduled meeting of the Planning and Zoning Commission to be held on Monday, November 21, 2022, Town Meeting Room, 2<sup>nd</sup> Floor, 172 Main Street, at 7:00 p.m.

Second by Michael Hewko. No discussion.

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

At this time, there was discussion regarding setting an effective date for **Zone MAP Change Ap #22-1297**.

Motion was made by Virge Lorents to set the effective date for **Zone MAP Change Ap #22-1297** for Monday, November 21, 2022, at 12:01 a.m.

Second by Matthew Wendorf. No discussion.

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

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

Jill St. Clair, Director of Economic Development, gave a PowerPoint presentation regarding the history and how it relates to the POCD. She explained the following points:

- There is a 35 percent vacancy rate on Main Street.
- She explained destination place making seems to work to create vibrancy and change the energy of the space to attract businesses and foot traffic.
- This space was identified as an under-utilized space by the consultant which was hired by the EDC.
- There is an abundance of public parking and off-street parking in the Downtown area. There are over 600 parking spaces within a three-minute walk in the Downtown area. She explained that the Courthouse dynamic has changed and they are doing a lot of remote, so they are not using as much parking.
- The goal is for activities (public and private) from inside the buildings to spill over to the outside and vice-versa. She mentioned that there is someone who is interested in doing car shows.
- The greenspace is where the art park would be located.
- There is no place for people to sit or gather at activities (like the Food Truck Events). There is no self-directed recreation in Town that doesn't necessarily have to be programmed for people to engage in public space.
- The pathway should be well lit, easy to understand and vibrant.
- She explained about the pre-conceptual plan. The “Brickyard” name is because of the brick facades (a recognizable destination). Ways to engage the public: yoga, games, canopy lights, music. She said that it is not to replace Davis Park and the events that should be held there, but Davis Park is a little far out of the pedestrian way for elderly or women with strollers coming to the Downtown to engage with the businesses. She explained about the Town's artwork. She spoke about the gateway into the community and wanting to make each entrance recognizable. Industrial, brick and nature were woven into the conceptual plan.
- Owners of the Elks building and the Exchange building were excited about activating the backsides of their buildings.
- There would be a sculpture with a charging station for cell phones with places to sit.
- There is a foundry building where tables and chairs can be stored in off seasons.
- Regarding maintaining the privacy of the neighbors, she suggested that instead of the existing chain-link fence, there could be urban, dry bamboo fencing with industrial elements, nature-inspired musical instruments attached to it. She said that it is meant to be a sensory park with downward lighting.
- The \$1 million Community Challenge Grant from the State of Connecticut that the Town was awarded will go toward this project, as well as, \$130,000 from the Borough of Danielson for improvements to Wi-Fi and sidewalks, In Kind is the labor, and some Economic Development Trust Fund money.

**QUESTIONS/COMMENTS FROM THE COMMISSION:**

- Virge Lorents asked about a timeline.  
Ms. St. Clair stated that it must be completed by 2027, but it will get done as soon as possible.
- Michael Hewko asked if the parking behind the Elks would be gone.  
Ms. St. Clair explained that they would and that they have been reduced for the last two years (15 spaces will be removed from the 191 spaces that are back there).
- Matthew Wendorf asked is there would be an RFP for the art on the buildings.  
Ms. St. Clair explained that the Elks' art is already funded and that the mechanicals would be our design. She said that it would have to do with where it is constructed because there is a question of whether art is prevailing wage. There was discussion regarding possible murals.
- Keith Thurlow asked when work would commence.  
Ms. St. Clair explained that they hope to get started in the spring.

**QUESTIONS/COMMENTS FROM THE PUBLIC:**

J. Perreault asked if there are other public parks in Town that abut private property. She voiced concern that she feels it would be good to have it well-lit all night. She voiced concern regarding parking during the car shows. She asked that consideration be given to the residents.

Mr. Blake stated that Owen Bell Park and Lyons Park abut some residential properties.

Ms. St. Clair stated that there will not be lights in the park coming from overhead and that there would be pedestrian lights along the pathway which would be on a timer and they would not be on all night long. She said that it is meant to be a walkable path after dinner.

Ms. St. Clair stated that there would be 180 spaces in that area and more across the street and also in another municipal parking lot. She explained that for the Food Truck events, abutters were mailed the dates in advance.

Motion was made by Virge Lorents to agree with **Review under §8-24 Ap # 22-1299** – Town of Killingly; pre-conceptual review of the proposed “The Brickyard Plaza and Art Park”; parking lot area behind Main Street, the Elks Club.

Second by Matthew Wendorf. No discussion.

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

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

1) Regular Meeting Minutes – SEPTEMBER 19, 2022.

Motion was made by John Sarantopoulos to adopt the Regular Meeting Minutes – SEPTEMBER 19, 2022.

Second by Michael Hewko. No discussion.

Motion carried by voice vote (4-0-1). Matthew Wendorf abstained as he had not attended the meeting.

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

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

Next Workshop to be Monday, November 21, 2022, at 6 p.m.

Ms. Aubrey explained that she will prepare a spreadsheet recommendation.

Ms. Thurlow asked that the EDC also provide some direction.

Mr. Sarantopoulos asked about the intent.

Ms. Aubrey explained that we are trying to make a parcel of land that has been designated as a business park, more conducive to all of the circumstances surrounding today.

**XI. CORRESPONDENCE – None.**

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

**A. Zoning Enforcement Officer’s & Zoning Board of Appeal’s Report(s)**

Jonathan Blake reported that ZBA met and approved a variance for an additional apartment on Academy Street (high-density zone) for Rick Ouellette.

**B. Inland Wetlands and Watercourses Agent’s Report**

Jonathan Blake reported that the IWWC still does not have a quorum. There is a potential new member.

**XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT**

Jill St. Clair reported:

- She is working with UCONN to help with a grant application for environmental cleanup.
- Started Phase Two on Alexander Parkway.

**XIV. TOWN COUNCIL LIAISON REPORT**

Jason Anderson reported:

- Appointments to Boards & Commissions.
- Update from Mary Bromm on the Permanent Building Commission.
- ARPA Funds appropriated: \$100,000 to Windham 4-H Dam Project; \$206,500 for radios and LUCAS devices for the Fire Departments.
- Approved two drainage easements.
- Year-end budget transfers for 2021/2022 fiscal year.
- Approved transfer of unexpended funds to Special Reserve Accounts.
- Consensus of the Town Manager's yearly review was that her performance exceeds expectations.

**XV. ADJOURNMENT**

Motion was made by Virge Lorents to adjourn at 7:57 p.m.

Second by Matthew Wendorf. No discussion.

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

Respectfully submitted,

J.S. Perreault  
Recording Clerk

Dear Planning and Zoning Committee,

I am writing in regards to Killingly Dental Care and amount of people employed at this facility. Within the last year there has been many more employees and the parking has been become an issue. Their staff parks out back and there have been several fender benders over the years. Now an issue has become a major concern. There are so many patients coming into that office on a daily basis in addition to the staff, that the parking lot is a nightmare. There are lots of children coming now and last week I witnessed two children almost get hit by a car. I mean a very close call! There is always some issue with backing up and people making their own spots. Something bad is going to happen and it should be on record that this concern was made. I'm not sure if you were given misinformation about the number of people employed there, or the number of patients seen in a day, plus the other businesses and garages but there is NO WAY there is adequate and safe parking here. This was before the expansion that was approved and how will parking ever accommodate that? I was also told that the person in charge over there is making their employees park down the street for the construction process in case you are checking out the situation-so for the time being those cars will not be there and you can still see how crazy this parking is. Someone should get an accurate account on employees and patients, and businesses and all businesses there and see what needs to happen to rectify this before someone gets hurt.

Be Well,



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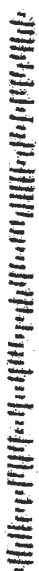
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TOWN OF KILLINGLY

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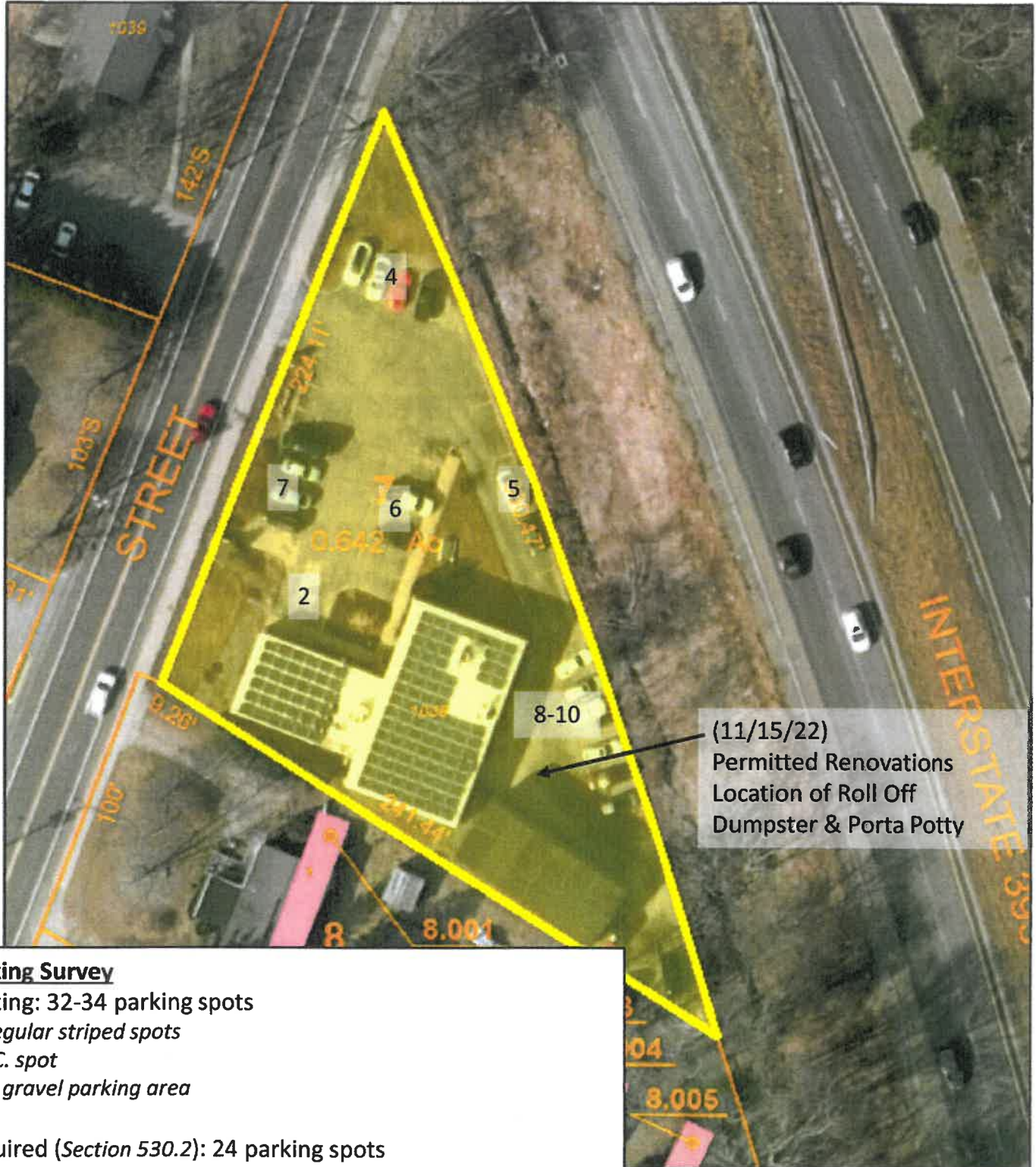






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TO  
THOMAS

APPROVED BY THE TOWN OF  
EASTLEY PLANNING AND ZONING COMMISSION

*A. B. Smith*  
Chairman

June 3, 1957  
DATE

SITE PLAN  
PREPARED FOR  
KEENAN • NAVARRO BUILDERS, INC

KILLINOY, CONNECTICUT  
 DATE 4/30/1987  
*Michlyn, Wanda de Ma*  
 LAND SURVEYORS  
 KILLINOY, CONNECTICUT

JOB NO 405518 NO 57 SHEET 1 OF 1 DWG NO

1  
2  
3

**KILLINGLY PLANNING & ZONING COMMISSION**  
**MEETING DATES**

**MEMORANDUM**

(Pursuant to Connecticut General Statutes Section 1-21)

**TO: KILLINGLY TOWN CLERK**

**FROM: KILLINGLY PLANNING & ZONING COMMISSION**

**DATE: OCTOBER, 2022**

The Killingly Planning & Zoning Commission convenes its regular monthly meetings on the third Monday of the month at 7:00 PM in the Town Meeting Room, Killingly Town Hall, 172 Main Street, Killingly. Public Hearings are scheduled as needed to commence at 7:00 PM. If such Monday is a State or Federal holiday, the meeting will be held on the following evening (Tuesday). Meeting dates are as follows for the year 2023 and January, 2024:

<b><u>MEETING DATES</u></b>		<b><u>DAYS UNTIL NEXT MEETING</u></b>
January	17 (Due to Martin Luther King, Jr. Day)	35
February	21 (Due to Presidents' Day)	27
March	20	28
April	17	28
May	15	35
June	19	28
July	17	35
August	21	28
September	18	28
October	16	35
November	20	28
December	18	35
January, 2024	16 Due to Martin Luther King, Jr. Day)	

*Elizabeth M. Wilson*

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2022 NOV -4 AM 8:29

Meeting dates in the Spring, 2023 may need to be re-adjusted due to budget workshops.

# CONNECTICUT FEDERATION OF PLANNING AND ZONING AGENCIES QUARTERLY NEWSLETTER

Fall 2022

Volume XXVI, Issue 4

## STATE SUPREME COURT FINDS SPECIAL EXCEPTIONS CAN HAVE TIME LIMITS

A special permit application to construct a large retail store was approved with the condition that completion of the proposed use be done within two years of the date of approval. Like most special exception applications, this one was accompanied by a site plan application. The planning and zoning commission later amended its zoning regulations and removed the two-year completion requirement and substituted instead a requirement that any completion period would comply with the Connecticut General Statutes. The Commission and its town planner interpreted this to mean that in the case of this application where a special permit application was accompanied by a site plan application, the time for completing the site plan under the general statutes would control.

After the now repealed two-year period had expired but before the site plan had expired, the applicant filed an application for an extension to the completion period for the site plan and special exception. The commission approved this application, and this decision was appealed to court. The appeal challenged the commission's decision to extend the completion period.

The issue before the court was whether a time limitation can be imposed on an approval of a special

exception and if it could, what time limit could be imposed. The appeal eventually made its way to our Connecticut Supreme Court which found that "Zoning agencies have authority under Connecticut General Statutes Sec. 8-2 to adopt a regulation under which a special exception permit would expire if construction for the proposed use is not completed within a specified period of time." Furthermore, the Court held that if this authority is exercised, the time limitation cannot conflict with the statutory deadline prescribed for an accompanying site plan.

Thus, a planning and zoning commission or zoning commission has the authority to adopt a regulation placing a time limit on a special exception permit for completing the construction of the proposed use that can equal or exceed the time limit for a site plan. The Supreme Court found that this rule does not conflict with the long-accepted rule that a special exception runs with the land because once construction of the proposed special exception use is completed, it would run with the land. *See International Investors v. Plan & Zoning Commission, 344 Conn. 46 (2022).*

## APPEALS COURT EXPLAINS AUTO DEALER AND REPAIRERS APPROVAL PROCEDURE

The owner of a parcel of property located within a general manufacturing zone filed an application with the

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municipal land use office to use the property as an automotive repair facility and to sell automobiles. The municipal application form was filled out by the applicant with the assistance of town staff. The application stated that it was for a 'motor vehicle' use and referred the application to other municipal boards and offices in accordance with the variance requirements listed on the form.

Notice of the public hearing on the application stated that a hearing would be held on a motor vehicle approval. The Board held the duly noticed hearing after which it approved the application. The reasons for the decision indicated that the Board decided the application as if it was for a variance. An appeal by an abutting property owner followed. The appeal claimed in part that the decision violated the law as it incorporated an incorrect standard of law for the application.

In reaching its decision to sustain the appeal, the Connecticut Court of Appeals restated the law on a zoning board's role on a certificate of location application. Pursuant to Connecticut General Statutes Sec. 14-54, the approval of the proposed location for an automobile dealer and repairers license by a municipal zoning board is a prerequisite to the issuance of a state license to deal in or repair motor vehicles. When a municipal zoning board reviews such an application, it acts as a special agent of the State. In this special capacity, it acts as the local agency for the State to determine

whether a certificate of approval should be issued. Because it is acting as an agent of the State, the board does not look to its zoning regulations to decide the application but instead must apply the correct standard as supplied by state law.

To illustrate this point, the Appellate Court stated that even if an automobile dealer or repairer business is a permitted use within a zone, the zoning board could still decide to deny a certificate of location application. The Appellate Court recognized that since the repeal of Connecticut General Statutes 14-55, a clear statutory standard was no longer available. Instead, zoning boards are free to decide what factors should be considered in making a decision.

In this appeal, the court ruled that the zoning board of appeals applied the wrong the legal standard when it applied the requirements for a variance application to this application. *See One Elmcroft Stanford LLC v. Zoning Board of Appeals*, 213 Conn. App. 200 (2022).

## RIGHT TO FREE SPEECH INCLUDES FLYING RELIGIOUS FLAG ON CITY FLAGPOLE

When the city of Boston denied an application to fly a Christian flag from a flagpole located outside its City Hall, a lawsuit by the applicant followed. The City had a policy which permitted private entities to fly a flag on the flagpole. The permitting process was

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simple, and all applications were usually approved until the application for the Christian flag. The city based its denial on the premise that if a religious flag was flown on a city flagpole, this would be a violation of the U.S. Constitution's establishment clause. The U.S. Supreme Court found this concern to be misplaced and instead ruled that in denying the application to fly the Christian flag, the City had violated the applicant's First Amendment Right to free speech.

The court opined that it is not a violation of the establishment clause to treat religious speech or expression in the same manner as nonreligious speech. Thus, the city could have avoided this litigation if it treated the religious flag in the same manner as the numerous other flags it approved to fly on the City's flagpole. *See Shurtleff v. City of Boston*, 596 U.S. 1 \_\_\_\_ (2022) No. 20-1800.

## U.S. COMMISSION ON CIVIL RIGHTS TAKES AIM AT LOCAL ZONING CONTROL IN CT

Hearings have been held by U.S. Commission on Civil Rights this year regarding zoning practices in Connecticut. This Commission is examining local zoning control and whether this control perpetuates racial segregation in our State. A review of the groups invited to testify can lead one to believe that the verdict has already been reached and now we are having the investigation. For example, the Commission speaks favorably of the Fair

Share Act, HB 5429, which failed to pass the state legislature this year. This law would have imposed state control over local zoning in regard to providing affordable housing. With election day fast approaching, now is the time to ask candidates where they stand on local control over zoning.

## ANNOUNCEMENTS

### **Membership Dues**

Notices for this year's annual membership dues were mailed March 1, 2022. The Federation is a nonprofit organization which operates solely on the funds provided by its members. So that we can continue to offer the services you enjoy, please pay promptly.

### **Workshops**

At the price of \$180.00 per session for each agency attending, our workshops are an affordable way for your board to 'stay legal'. Each workshop attendee will receive a booklet which sets forth the 'basics' as well as a booklet on good governance which covers conflict of interest as well as how to run a meeting and a public hearing.

## ABOUT THE EDITOR

*Steven Byrne is an attorney with an office in Farmington, Connecticut. A principal in the law firm of Byrne & Byrne LLC, he maintains a strong focus in the area of land use law and is available for consultation and representation in all land use matters both at the administrative and court levels.*

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[cfpza@live.com](mailto:cfpza@live.com)



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Zoning Board of Appeals      Copies \_\_\_\_\_ \$ \_\_\_\_\_

Inland Wetlands & Watercourses      Copies \_\_\_\_\_ \$ \_\_\_\_\_

Historic District Commissions      Copies \_\_\_\_\_ \$ \_\_\_\_\_

TOTAL DUE: \$ \_\_\_\_\_

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172 Main Street  
Killingly, CT 06239