



TOWN OF KILLINGLY, CT
PLANNING AND ZONING COMMISSION

RECEIVED
TOWN CLERK, KILLINGLY, CT
2023 MAY 12 AM 8:18

MONDAY – MAY 15, 2023

Elizabeth M. Wilson

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) 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
- III. **MOTION TO ADJOURN**

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

SECTION 436. BUSINESS PARK DISTRICT

Section 436.1 Intent

The intent of the Business Park District is to provide facilities for businesses consistent with the creation of a physical environment that promotes consistency with the plan of conservation and development, community goals, efficient business operations, human scale and values, and compatibility with the natural environment. A Business Park District may be located adjacent to, or nearby, residential districts.

Uses of tracts of land in the Business Park District may include several separate businesses, offices, manufacturing facilities, accessory and supporting uses, and common open space designed, planned, and constructed on an integrated and coordinated basis.

Section 436.2 General Requirements

1. **Enclosed Storage** – All uses, including any related storage, shall be operated entirely within enclosed structures; except docking or other areas necessary for receipt of multiple deliveries, storage of the trucks, trailers used in the daily course of business, and uses that are permitted that require outdoor elements (ex: automobile / recreational vehicle / truck dealerships / light vehicle maintenance/ growing of nursery stock)
2. **Outdoor Storage** – Outdoor storage is permitted only as an accessory use under the following conditions: a) storage is confined to specific areas outlined on the site plan; b) defined storage area(s) are completely screened from view using a solid fence or a combination of fencing and landscaping that is approved by the Commission; and c) no hazardous material / waste may be stored outside.
3. **Provide Access** – Any parcel in the Business Park District to be used must provide a direct access way to a road or street, including through, but not limited to, an easement. Such access way shall have a minimum width of sixty (60) feet. The commission may, in its sole discretion, increase the width to accommodate utility installation. Said access way shall permit the future installation of all utilities including, but not limited to, sanitary sewer lines, public water, electric, natural gas, communication cables and storm water drainage structures and lines.
4. **Location of Access** – The location of said access described above shall be approved by the commission. The location of the access shall be clearly defined on the site plan submitted to the commission, and/or designated staff, and the access shall be clearly described by a metes and bound description.
5. **Utilities** – Said access shall permit the future installation of all utilities including, but not limited to, sanitary sewer lines, public water, electric, natural gas, communication cables and storm water drainage structures. All utilities shall be designed for underground construction, unless otherwise specified by the commission.

6. Interior Circulation – Interior Circulation shall provide for the safe movement of vehicles, delivery trucks and pedestrians. Truck delivery routes shall be indicated by signage, pavement markings or other methods. Access to commercial delivery points shall be segregated from public traffic where possible. Provisions for the safe movement of pedestrians between buildings and from buildings to parking areas shall be provided.
7. Bicycle/Pedestrian Pathways – Bicycle/Pedestrian pathways a minimum of six (6) feet in width may be provided along the interior roadway system. Said width may be expanded by the commission to ten (10) feet in the commission's sole discretion. Said pathways, improvements shall be for people that are lawfully within the complex, and not the public.
 - a. Sidewalks and bicycle/pedestrian pathways shall be constructed simultaneously with the roadways and should provide continuous circulation from one lot to another.
 - b. Sidewalks and bicycle/pedestrian pathways shall be illuminated to provide safety and security for their users. Such lighting shall be shielded or diffused to reflect light away from abutting traffic and to prevent skyward glare (i.e.: night sky compliance).
8. Truck Parking – Truck parking associated with light manufacturing, warehouses and distribution centers shall have a minimum setback of fifty (50) feet from any residential district boundary or from any residential use boundary. Said truck parking, and building(s), shall be one-hundred fifty (150) feet from any **game farm/shooting range/hunting preserve**. Said setbacks shall include buffering and screening to minimize visual intrusion. The screening shall be subject to the approval of the Planning Zoning Commission or its designated agents.
9. Landscaping – Landscaping shall provide transitions between buildings of different sizes, scale, architecture or use and to provide continuity of design. Landscaping shall provide shade and visual interest. All landscaping shall be subject to the approval of the Planning Zoning Commission or its designated agents.
 - a. Landscaping may include, but not be limited to, pavement materials, fountains, ponds, street furniture, outdoor seating areas, lighting, and the planting of grass, ground cover, flower beds, shrubs, hedges, planted earthworks (mounding, grading, etc.), or trees.
 - b. All planted areas shall be maintained in healthy growing condition, neat and orderly in appearance, and free of refuse and debris.
 - c. All planted areas shall be arranged and maintained so as not to obscure the vision of traffic. Unless so specified in an approved site plan, there shall be no parking of vehicles in landscaped areas.
 - d. Street trees at a minimum rate of one tree for every one hundred (100) feet or part thereof of street frontage shall be provided in all front yard areas to provide shade and visual interest. Trees may be planted at intervals and/or in groups to assure the desired effect is achieved subject to the approval of the Commission. Street trees, whether deciduous shade trees, flowering trees, or evergreen trees, shall be a minimum of three

(3) inches caliper measured at twelve (12) inches above ground, and selected for hardness and appropriateness of use and soil conditions.

10. Buffering / Screening – All uses, including all accessory uses, shall be screened to minimize visual intrusion, and landscaped to integrate these elements into the site. The buffering / screening may consist of a vegetative buffer, or stone wall, or screened fencing, or any combination thereof. All buffering and screening shall be subject to the approval of the Planning Zoning Commission or its designated agents.
 - a. If chain link fencing is installed for screening, it shall be black PVC dipped material, with either black or dark green privacy slats.
11. Refuse Enclosures, Etc. – All waste materials, debris, refuse or garbage shall be kept in an enclosed building or properly contained in a closed container area designed for such purpose.
 - a. Refuse enclosures are to be constructed of material in such a way that they would be at least seventy-five (75) percent solid (for example: 3 sides made of brick, cement, chain link fence with privacy slats and bollards) and shall have a concrete floor.
 - b. Refuse enclosures shall be in rear yards only and shall be properly screened to a height of seven (7) feet in accordance with Planning Zoning Commission requirements.
12. Parking Requirements – See T.O.K. Zoning Regulations Section 530 (Off Street Parking and Loading)
13. Sign Requirements – See T.O.K. Zoning Regulations Section 540 (Signs)
14. Site Plan Review Requirements – See T.O.K. Zoning Regulations Section 470 (Site Plan Review)
15. Special Permit Requirements – See T.O.K. Zoning Regulations Section 700 (Special Permits)
16. Dimensional Requirements – See T.O.K. Zoning Regulations Section 450 (Dimensional Requirements and Table A)
17. Concept Plan – A concept plan may be submitted by an applicant who seeks to develop all or a portion of the property within the entire Business Park. A concept plan is meant to help the applicant receive feedback from the commission, or staff, prior to a formal application being submitted. The concept plan is intended to illustrate the general development plan and expected land uses without requiring the detail and expense of the site plan required as part of the approval process.

Section 436.3 Permitted Uses Requiring Only a Site Plan Review

The following allowed uses require a site plan review prior to development of the site. Once the site is developed if the original use changes from one allowed use to another allowed use, and there is no further construction (no change in footprint) on the site then the change in use will require a zoning permit only. However, if there is further construction (change in footprint) on the site, or the allowed

use changes to a special permitted use then another site plan review will be required as part of the special permit application process.

The Commission may, in its sole discretion, hire a third-party consultant, acceptable to the applicant, to aid the Commission in its review of any proposed site plan pursuant to this section. The fees charged by the third-party consultant shall be borne by the applicant.

All requirements listed under the T.O.K. Zoning Regulations Section 470 (Site Plan Review) shall be followed and adhered to.

- a. Motels / Hotels / Conference & Convention Centers**
- b. Specialty Food Service**
- c. Restaurants / Cafes / Taverns**
- d. Earth Filling and Excavation**
- e. Outpatient Ambulatory Health Care Services**
- f. Offices of Various Health Care Practices**
- g. Vocational Rehabilitation Services**
- h. Offices Social Assistance Agencies**
- i. Light Manufacturing < 15,000 sq feet**
- j. Machines & Machine Shop - <15,000 sq feet**
- k. Parking Garages**
- l. Personal Services Establishments**
- m. Professional Offices**
- n. Business Support Services**
- o. General Business Office Space**
- p. Retail Sales Establishment**
- q. Financial Institutions**
- r. Copy Shop**
- s. Warehousing & Distribution Centers** – All warehouses, and distribution centers shall conform to the following design standards.
 - 1.** Location of all warehouses, and distribution centers shall have a 50-foot set back from the boundary of any residential district.
 - 2.** Location of all warehouses, and distribution centers shall have a 150-foot set back from the boundary of any game farm, private shooting reserve, or dog training area.

3. All warehouses, and distribution centers may have a controlled gate access for warehouse and distribution vehicular traffic, though employee traffic for parking purposes shall not require gate access.
4. The outdoor storage of trailers may be provided; however, the trailer storage area must be buffered and screened to minimize visual intrusion and landscaped to integrate these elements into the site.
5. Permitted accessory uses include the overnight parking and/or storage of trailers and vehicles used in conduct of the business; ancillary maintenance and refueling of vehicles used in the conduct of the business; customer pick-up; and retail sales area not to exceed 20% of the total gross floor area of the primary use.
6. All storage items, goods and/or products stored or packaged in the warehouse and distribution center shall be indoors except for those items that are stored within a trailer outside of the warehouse and /or distribution center. No packaging of goods shall be allowed outside of the warehouse and /or distribution center.
7. Truck loading docks shall not be located on the street facing side of the building, nor be located on the building side that abuts a residentially zoned parcel without adequate landscape buffering and screening to minimize visual intrusion in accordance with these regulations.
8. All outdoor lighting shall be dark sky compliant in accordance with standards adopted by the International Dark-Sky Association.

t. Self-Service Storage Facility

Section 436.4 Special Permitted Uses

The following uses shall require special permit approval, which includes a site plan review, prior to the development of the site.

Once the site is developed, if the original use changes from the approved special permit to one of the allowed uses listed in Section 436.3, and there is no further construction (no change in footprint) on the site then the change to an allowed use will require a zoning permit only. However, even if the change in use is for an allowed use but there is an enlargement of the footprint (new construction) a zoning permit and site plan review will be required.

Once the site is developed, if the original use changes from a special permitted use to another special permitted use, or if any new construction (change in footprint) is proposed related to the special permit use, the applicant will be required to obtain another special permit approval from the commission.

The Commission may, in its sole discretion, hire a third-party consultant, acceptable to the applicant, to aid the Commission in its review of any proposed site plan pursuant to this section. The fees charged by the third-party consultant shall be borne by the applicant.

All requirements that are listed under the T.O.K. Zoning Regulations Section 700 (Special Permitted Uses), and Section 470 (Site Plan Review) shall be followed and adhered to.

- a. **Crop Production, Processing and Sale** – All growing facilities must be completely contained within a structure.
- b. **Hydroponics** – All growing facilities must be completely contained within a structure.
- c. **Aquaculture** – All growing facilities must be completely contained within a structure.
- d. **Greenhouse / Nursery / Horticultural Bldgs.**
- e. **Forest Nurseries and Gathering of Forest Products**
- f. **Performing Arts Companies**
- g. **Dance / Art / Music Schools**
- h. **Art Galleries / Photo Studios**
- i. **Commercial Recreational Facilities** – Must be completely contained within a structure.
- j. **Radio / TV/ Motion Picture Facilities**
- k. **Early Childhood Care Facilities** – Must be operated in conjunction with a business established in the park.
- l. **Training Facilities**
- m. **Medical and Diagnostic Laboratories**
- n. **Adult Daycare – No Overnight**
- o. **Electronic & Precision Equipment Repair**
- p. **Pharmacy**
- q. **Breweries / Wineries** – This use includes breweries, wineries, distilleries and cideries.
- r. **Cannabis Establishment**
- s. **Municipal Services**
- t. **Libraries**
- u. **Recycling / Collection Center**
- v. **Funeral Homes & Funeral Services**
- w. **Pet Grooming / Pet Day Care**
- x. **Veterinary Services / Hospitals**
- y. **Publishing / Printing Establishment**
- z. **Analytical Laboratories / Research and Development Facilities** – If the following standards are met:

1. In the establishment, operation, and design of medical and biological research laboratories and facilities, the standards, and procedures, as amended, of the National Institutes of Health, and Centers for Disease Control will apply.
2. No facility may contain or conduct research involving biological safety level-3 (or the equivalent term risk group-3) classification or higher.
3. All noise levels shall adhere to the Town of Killingly Noise Ordinance in its Code of Ordinances and all Connecticut Department of Environmental Protection regulations promulgated in accordance with Chapter 442 of the Connecticut General Statutes shall apply.
4. No activities involving bulk storage or manufacture of materials or products that could decompose by detonation shall be permitted. Utilization of the materials included in this section shall be limited to the minimum quantities necessary for specific research. Material type, quantity, storage, handling procedures, and location in the facility shall also be registered with the respective fire district, ambulance corps, the Killingly Planning Department, and the Fire Marshal.
5. No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas as specified by the regulations of the United States Nuclear Regulatory Commission.
6. Any electrical radiation shall not adversely affect at any point any operations or any equipment, including not only professional research equipment but also equipment reserved for personal uses such as reception of public radio transmissions, use of cellular phones, etc., except equipment belonging to the creator of the electrical radiation.
7. Operations shall not cause inherent and/or recurring generated vibration perceptible without instruments at any point along the property line. Temporary construction is excluded from this restriction.
8. No operation shall cause or allow emission of any odorous air contaminant, smoke, particulate matter, or any emission into the air which is a nuisance, hazard or exceeds applicable federal or state regulations.
9. The operation of the facility must comply with all applicable industry standards, and local, state, and federal ordinances, rules, statutes, and regulations applicable to the treatment, storage, transportation, and disposal of any hazardous materials, hazardous wastes, solid wastes, or fire hazards.

aa. Data Centers / Internet Server Farm / Computing Infrastructure Provider

bb. Automotive Vehicle Dealers (Sales)

cc. Automotive Vehicle Service / Repair

dd. Automotive and/or Truck Rentals

ee. Trucks & Recreational Vehicle Dealers

- ff. Trucks & Recreational Vehicles Service / Repair**
- gg. Auctions / Sales**
- hh. Cannabis Establishments**
- ii. Battery Storage / Battery Energy Storage Systems (BESS)**
- jj. Freight Material / Trucking Business / Trucking Terminal**

SECTION 300 – DEFINITIONS
TOWN OF KILLINGLY ZONING REGULATIONS

The following definitions will be added to Section 300 of the Town of Killingly Zoning Regulations.

General Definitions:

Game Farm / Shooting Range / Hunting Preserve – An area licensed by the Connecticut Department of Energy and Environmental Protection (CT DEEP) that must meet certain requirements for the area and operating purposes, and which is granted special hunting privileges of propagated game birds, and the accessory structures and uses in support of those activities.

Traveler Accommodations – Any facility consisting of either a singular or group of buildings that provides services designed to serve the needs of the transient population, and for convention purposes. Said accommodations shall include motels, hotels, conference, and convention space. It may also include accessory facilities including restaurants, lounges, meeting rooms, and similar related retail uses.

Food Manufacturing - Manufacturing establishments producing or processing foods for human consumption and certain related products. This includes but is not limited to 1) bakery products, 2) dairy products processing, 3) fruit and vegetable canning, preserving, and related processing, 4) mill grain products and by-products.

Public Service Corporation – any railroad, electric, gas, telephone, telegraph, internet service farm, data center, computing infrastructure provider, pipeline, sewage, water, fire, ambulance or community antenna company or corporation; and any vehicle or transportation system owned or regulated by a governmental agency, used for the mass transport of people.

Outdoor Storage – The keeping of goods, materials, products, debris, merchandise, or equipment that is not protected by a building structure with a roof and walls. (Vehicles and trucks associated with the primary use are excluded.)

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Allowed Uses under the Business Park Zone.

Motels – A building or group of buildings in which lodging is provided to transient guests, offered to the public for compensation, and in which access to and from each rental unit is through an exterior door.

Hotels – A building or group of buildings in which lodging is provided to transient guests, offered to the public for compensation, and in which access to and from each rental unit is through interior lobbies, courts, or halls.

Conference & Convention Centers – A commercial facility used for business, professional, civic, or religious conferences, seminars, and expeditions.

Specialty Food Service – Caterers, food service contractors, food trucks, and mobile food services.

Restaurants – A commercial establishment where food and beverages are prepared, served, and consumed usually within the principal building, an outside patio, or taken as carry-out orders, and where food sales constitute more than 75% of the gross sales receipts.

Cafes / Small Restaurants – Is a restaurant containing no more than 2, 000 gross square feet.

Taverns – A place in which alcoholic beverages are sold for consumption to the public and where food or packaged alcoholic beverages may be served or sold as an accessory use.

Outpatient Ambulatory Health Care Services – A facility maintained and operated to provide medical care on an outpatient, or single day (no overnight care) basis, providing services for health maintenance, diagnosis or single day treatment of humans' diseases, pain, injury, deformity, or physical condition.

Medical Offices – A place where doctors, dentists, physical therapists, occupational therapists, chiropractors, ophthalmologists, optometrists, psychologists, psychiatrists, nurse practitioners, physician assistants, registered nurses, licensed practical nurses, home health services and other licensed medical professionals of a similar nature as determined by the commission, or its agent maintain clerical offices and facilities to see and treat patients.

Social Assistance Agencies - A facility where social services are provided including training, counseling, or the distribution of food or clothing.

Light Manufacturing - The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding the basic industrial processing, and where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emissions which will disturb or endanger neighboring properties.

Machines & Machine Shop - Shops where lathes, presses, grinders, shapers, and other wood – and metal working machines are used.

Parking Garages - A structure with two or more levels used for parking motor vehicles.

Personal Services Establishments - An establishment which offers personal services purchased by consumers. Including hair, nail, and skin salons; barber shops, diet & weight reducing centers, massage centers, laundry services, tailoring services, cobblers, and other non-medical personal care services.

Professional Offices - The office or offices of accountants, architects, engineers, financial advisors, lawyers, surveyors, or other similarly licensed or certified practitioners in non-medical fields.

Business Support Services - A commercial establishment primarily engaged in providing services to other business establishments on a fee or contract basis, including information technology services, bookkeeping and payroll services; tax preparation; advertising; building maintenance; personnel and employment services; office equipment rental and leasing, and office supply sales.

General Office Space – The office or offices that are not business support services, professional offices, or medical offices and where a person or persons provides, direct services to it consumers including,

insurance agencies; real estate agencies; travel agencies; or any other services similar in nature to those listed herein; and where retail or wholesale goods are not shown or sold to customers.

Retail Sales Establishment - A commercial enterprise where goods are available for immediate purchase and removal from the premises by the purchaser.

Financial Institutions – A bank, savings and loan, credit union, mortgage office, or automated teller machine (ATM).

Copy Shop - A facility for the reproduction and copying of printed material or drawings; but not including sign shops, printing publishing establishments, or similar-large-scale operations.

Warehouse - A building used for storing goods, raw materials, packing materials, spare parts, or components.

Distribution Center - Is a building or a group of buildings where finished goods (end products) are received and/or stored for the delivery to the off-site customers and where no manufacturing or assembly takes place.

Self-Service Storage Facility - A building or group of buildings surrounded by security fencing and divided into separate compartments which are accessible to lessees for use for storage purposes only.

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Special Permitted Uses under the Business Park Zone.

Crop Production, Processing and Sale – A type of horticultural activity where all food crop growing facilities, processing, packaging, and sales are completely contained within a structure.

Hydroponics - A type of horticulture that involves growing plants without soil by using water-based mineral nutrient solution in aqueous solvents. (Refer to the Agricultural Section of the Zoning Regulations.)

Aquaculture - The farming of the waters of the state and tidal wetlands and manmade tanks both above and in-ground and the production of protein food, including fish, oysters, clams, mussels, and other molluscan shellfish, as may be further defined, and described in CT General Statutes Sec. 1-1(q) as may be amended from time to time. (Refer to the Agricultural Section of the Zoning Regulations)

Greenhouse / Nursery / Horticultural Buildings - An establishment for the growth, display, and/or sale of vegetables, fruits, plants, shrubs, trees, and other nursery items grown on site either within or outside of structures or established in the ground prior to sale.

Forest – Already defined in TOK zoning regulations.

Forest Products – Already defined in TOK zoning regulations.

Commercial Recreational Facilities – A building or outside grounds where persons engage in non-motorized recreational activities for a fee, including but not limited to, driving ranges, golf, miniature golf, swimming pools, tennis courts, pickle ball courts, racquetball courts, basketball, and other court games, climbing facilities, virtual games (e-sports), and robotic competitions.

Radio / TV / Motion Picture Facilities – The commercial production of radio, and television programs, podcasts, motion pictures and videos.

Rock Quarry – Already defined in TOK zoning regulations.

Early Childhood Care Facilities – A facility not operated as a small or large family day care home where childcare services are provided to pre-adolescent children including infant centers, preschools, and extended day care facilities; and may be operated in conjunction with a business, school, or religious facility.

Training Facility – Any building used primarily for vocational training pursuant to course of instruction, that has been approved or licensed by a state agency or board.

Medical and Diagnostic Laboratories - A facility offering diagnostic or pathological testing and analysis of blood, blood fluids, pathological specimens, DNA sampling and analysis, and any other diagnostic test performed in the healthcare industry.

Adult Daycare – A commercial facility providing supervisory care to cognitively and physically impaired adults through a structured, comprehensive program that furnishes a variety of health, social, and related support services between the hours of 6:00 a.m. and 7:00 p.m.

Electronic & Precision Equipment Repair – A commercial establishment providing for the repair and maintenance of electronic equipment and precision instruments.

Pharmacy – A retail business establishment where drugs are sold or dispensed at retail or displayed for sale at retail, under the supervisions of a pharmacist who is licensed under the laws of the State of Connecticut will be always on duty while such establishment is open for business.

Breweries - A commercial business which conducts the retail sale of beer (malt beverages with alcohol content as defined by Federal law), and the tasting facilities for same, which is brewed on the premises in compliance with applicable state and federal laws. Breweries includes wholesale sales, fermenting, aging, storage, bottling, administrative office functions for the brewery and warehousing. Such establishments may also include restaurants as an accessory use. Live entertainment is subject to the use requirements of the district in which the establishment is located.

Wineries - An agricultural processing plant used for the commercial purpose of processing grapes, other fruit products, or vegetables to produce wine, cider, or similar spirits, but not containing a distillery. Winery includes wholesale sales, crushing, fermenting, blending, aging, storage, bottling, administrative office functions for the winery and warehousing. Retail sales and tasting facilities of wine and related promotional items may be permitted as part of winery operations.

Cannabis Establishment - A producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager and or delivery service. (Refer to Zoning Regulations 567)

Funeral Homes & Funeral Services - Establishment engaged in undertaking services such as preparing the dead for viewing, burial and or cremation, and arranging and managing funerals, and may include halls and funeral chapels where wakes and funeral services are held.

Pet Grooming / Pet Daycare – A commercial facility providing pet grooming and pet day care between the hours of 7:00 a.m. and 7:00 p.m.

Veterinary Services / Hospitals - – Any facility maintained by or for the use of licensed veterinarians in the diagnosis, treatment, or prevention of animal diseases of household pets wherein the overnight care of said animals is prohibited except, when necessary, in the medical treatment of the animal.

Publishing / Printing Establishment - A commercial printing operation involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including but not limited to, offset printing, lithography, web offset, flexographic, and screen process printing.

Analytical Laboratories – A building or a group of buildings used for scientific research, investigation, testing or experimentation and where no goods or products are manufactured for sale.

Research & Development Facilities - A structure or group of structures used for developmental research, where product testing is an integral part of the operation and goods or products may be manufactured as necessary for testing, evaluation, and test marketing but not for sale.

Data Centers / Internet Server Farm / Computing Infrastructure Provider - (1) An establishment where its primary use is the compiling, storage, and maintenance of documents, records, and other types of information in digital form utilizing a mainframe computer, and does not include general business offices, computer-related sales establishments, and business or personal services; and (2) A telecommunication carrier facility containing equipment for telecommunications use including switches, routers, operation centers, and other infrastructure critical for dot-com companies, internet servers, data firms, fiber-optic cable, or other technology providers.

Battery Storage / Battery Energy Storage Systems (BESS) - – Battery storage, or battery energy storage systems (BESS), are devices that enable energy from renewables, like solar and wind, to be stored and then released for use by off-site customers.

Freight Material - Goods, merchandise, materials, and commodities of any kind that may be transported or transferred from one place to another by air, rail, or motor-carrier, truck.

Freight Container - A standardized, reusable shipping vessel used in the transportation of freight and capable of being mounted and moved on a rail car or mounted on a chassis for movement by truck trailer.

Trucking Business - A facility for the receipt, transfer, (short-term storage) and dispatching of goods transported by truck. Said trucking business shall involve light, medium, and heavy trucks.

Trucking Terminal – Premises that are not distribution centers and that are used for loading or unloading of trucks upon which storage of cargo is incidental to the primary function of motor freight shipment or shipment point and which is designed to accommodate the simultaneous loading or unloading of five or more trucks.

Transportation Hub – A place where passengers and cargo are exchanged between vehicles and/or between transport modes including railway stations and yards, rapid transit stations, bus stops, tram stops, airport and ferry slips.

MEMORANDUM

To: Town of Killingly Planning & Zoning Commission

From: Evan J. Seeman, Esq.

Copy to: Ann-Marie Aubrey, Director of Planning & Development
Jonathan Blake, Planner 1/Zoning Enforcement Officer
Jill St. Clair, Economic Development Director

Date: May 10, 2023

Subject: Proposed Text Amendment – Business Park District

Dear Members of the Commission:

Thank you for the continued opportunity to comment on the proposed text amendment language for the Business Park District. Many of the previous comments we have discussed have been incorporated into the proposed text amendment language. There are still some suggestions that are provided below which are again offered in the spirit of providing the best regulatory language possible. Some of these comments were previously made in the comments submitted by Keith Kumnick on March 20, 2023 (a copy of this letter is attached).

We understand that the Commission will review the language one more time before potentially noticing a public hearing to officially consider the proposed text amendment. We look forward to the opportunity to discuss these items with you in your next workshop and regular meeting. Our comments are set forth below.

1. Section 436.2.1: General Requirements – Enclosed Structures

Comment: Please see comment number 1 from Mr. Kumnick's March 20 letter.

2. Section 436.2.7: General Requirements – Truck Parking

Comment: Suggest modifying the highlighted language “and buildings” to “and buildings or structures used for parking” to clarify that buildings or structures generally are not subject to this setback requirement unless they are used for parking.

3. **Section 436.3.s – Permitted Uses Requiring Only Site Plan Review (Warehousing & Distribution Centers)**

Comment: Please see comment number 4 from Mr. Kumnick's March 20 letter.

4. **Section 436.4.z – Special Permit Uses (Analytical Laboratories/Research and Development Facilities)**

Comment: Please see comment number 5 from Mr. Kumnick's March 20 letter.

5. **Section 300 – Definitions (Private Shooting Preserve or Dog Training Area)**

Comment: Suggest removing "dog training area" from this definition and any associated setback requirements. It is unclear what is meant by "dog training area." Is it intended to apply to dog training, generally? Is it intended to apply to dog training with respect to hunting game? Would a dog training facility require the greater setback of 150 feet, and if so, what warrants this great setback?

Further, the definition says nothing about dog training. To my knowledge, a dog training business does not require a license from CT DEEP.

6. **Section 300 – Definitions (Distribution Center)**

Comment: Some distribution centers may store and deliver raw materials, not just end products. Suggest revising the definition to expressly include raw materials. Otherwise, what definition would the Commission consider for the storage and distribution of raw materials? Would this be "warehouse" use?

7. **Section 300 – Definitions (Trucking Business)**

Comment: It appears that this definition could apply to a number of land uses requiring different types of permits, including a distribution center use or a truck terminal. Further, "short-term storage" could further complicate a clear understanding of this land use. Is this use/definition needed?

8. **Section 300 – Definitions (Trucking Terminal)**

Comment: Please see comment number 6 from Mr. Kumnick's March 20 letter.

Keith J. Kumnick, Sr.
Principal and Treasurer | Hartford, CT

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March 20, 2023

Via Email

Ann Marie Aubrey
Town of Killingly
Director
Planning & Development
172 Main St
Killingly, CT 06239

RECEIVED
MAR 20 2023

PLANNING & ZONING DEPT.
TOWN OF KILLINGLY

RE: Killingly – Proposed changes to the BP Zone Regulations

Dear Ann Marie,

Unfortunately, I have a conflict tonight and will not be able to attend either the workshop or the P&Z meeting. We do appreciate the open format of the prior meetings and the opportunity for us to comment on the draft regulations. We had some additional observations to share that may have been addressed in the review by Legal but wanted to provide them in any event.

1. Section 436.2.1-Enclosed Structures: In addition, all uses, including any related storage, shall be operated entirely within enclosed structures. Except docking or other areas necessary for receipt of multiple deliveries, storage of the trucks, trailers used in the daily course of business, and uses that are permitted that require outdoor elements (ex: automobile/recreational vehicle/truck dealerships/light vehicle maintenance).

This section may cause some confusion and modifying the title and definition as outlined below may clarify:

-Suggest changing the title to "Outside Storage"

-Suggested definition: Outdoor storage is defined as the keeping of goods, materials, products, debris, merchandise, or equipment that is not protected by a building structure with a roof and walls. (Vehicles and trucks associated with the primary use are excluded.)

- The BP District could stipulate the conditions upon which Outdoor Storage is allowed such as

Outdoor storage is permitted only as an accessory use under the following conditions:

1. *Storage is confined to specific areas outlined on the site plan;*
2. *Defined storage area(s) are completely screened from view using a solid fence or a combination of fencing and landscaping that is approved by the Commission.*
3. *No hazardous material/waste is stored.*



- Add Outdoor Storage to the Definitions. As proposed, this section may lead a commission member or the public to request evidence that the operation's trailers are being used in the daily course of business. Note that the storage of trucks is not similarly qualified.

2. **Section 436.2.6 - Bicycle/Pedestrian Pathways:** Bicycle/Pedestrian pathways a minimum of six (6) feet in width may be provided along the interior roadway system. Said width may be expanded by the commission to ten (10) feet in the commission's sole discretion.

a. Sidewalks and bicycle/pedestrian pathways shall be constructed simultaneously with the roadways and should provide continuous circulation from one lot to another.

b. Sidewalks and bicycle/pedestrian pathways shall be illuminated to provide safety and security for their users. Such lighting shall be shielded or diffused to reflect light away from abutting traffic and to prevent skyward glare (i.e.: night sky compliance).

Comments:

- This section appears more relevant to residential development. It sanctions public access to private property and invites security and pedestrian/bike and vehicle conflict. Ownership and maintenance are unclear as are construction specifications (surface, etc). Lighting could be a major cost.
- Construction of a pathway at the same time as the road may be problematic in terms of maintaining integrity while construction is active and maintaining site security
- An alternative to the above would be creating pedestrian connections in suitable locations for employees.

2. **Section 436.2.7-Truck Parking:** Truck parking associated with light manufacturing, warehouses and distribution centers shall have a minimum setback of fifty (50) feet from any residential district boundary or from any residential use boundary. Said truck parking shall be one-hundred fifty (150) feet from any game farm/private shooting/hunting preserve. Said setbacks shall include buffering and screening to minimize visual intrusion. Such screening shall be subject to the approval of the Planning Zoning Commission or its designated agents.

Comments:

- It would be helpful to have definitions of these uses. Perhaps if the commission could verify that abutting properties currently fall under one of these categories, we would be able to further ascertain impacts on future development.

3. **Section 436.2.9 - Buffering/Screening:** All sites, including all accessory uses, shall be screened to minimize visual intrusion, and landscaped to integrate these elements into the site. The buffering/screening may consist of a vegetated buffer, or stone wall, or screened fencing, or any combination thereof. All buffering and screening shall be subject to the approval of the Planning Zoning Commission or its designated agents.

Comments:

- We had previously suggested changing "all sites" to "uses". We believe it is the use, not the site, that may require buffering/screening and that the Commission be given discretion over situations where buffering/screening would not be required.



4. Section 436.3s. Warehousing & Distribution Centers (Permitted Uses)

Warehousing & Distribution Centers — All warehouses, and distribution centers shall conform to the following design standards; however, the commission may, in its sole discretion, determine that a standard or standards, need not apply to a particular site location due to relevancy.

1. Location of all warehouses, and distribution centers shall have a 50-foot set back from the boundary of any residential district.

2. Location of all warehouses, and distribution centers shall have a 150-foot set back from the boundary of any game farm/private shooting/hunting preserve.

3. All warehouses, and distribution centers shall have a controlled gate access for warehouse and distribution vehicular traffic, though employee traffic for parking purposes shall not require gate access.

4. The outdoor storage of trailers may be provided; however, this area must be buffered and screened to minimize visual intrusion, and landscaped to integrate these elements into the site, in accordance with these regulations, from abutting uses. This shall apply only if the use differs due to zoning or is a use not provided within the Business Park district.

5. Permitted accessory uses include the overnight parking and/or storage of trailers and vehicles used in conduct of the business; ancillary maintenance and refueling of vehicles used in the conduct of the business; customer pick-up; and retail sales area not to exceed 20% of the total gross floor area of the primary use.

6. All storage items, goods and/or products stored or package in the warehouse and distribution center shall be indoors except for those items that are stored within a trailer outside of the warehouse and /or distribution center. No packaging of goods shall be allowed outside of the warehouse and/or distribution center.

7. Truck loading docks shall not be located on the street facing side of the building, nor be located on the building side that abuts a residentially zoned parcel without adequate landscape buffering and screening to minimize visual intrusion in accordance with these regulations.

Comments:

- Depending on the final outcome of Enclosed Structures/Outdoor Storage, this section may need further edit.

- The setbacks in (1) and (2) appear under the General Requirements. It may be more appropriate for these requirements and several others be moved to this section and removed from General Requirements.

- The term "buffered and screened" is used in (4) and (7) but the difference between the two is unclear or undefined. Suggest replacing "and" with "or".



5. Section 436.3 z. Analytical Laboratories/ R & D (Special Permit)

The following standards and nuisance avoidance criteria are met. If the following standards are in conflict with other local, state, or federal regulations including the accepted industry standards regarding same then the more stringent of the regulations shall be followed.

6. Any electrical radiation shall not adversely affect at any point any operations or any equipment, including not only professional research equipment but also equipment reserved for personal uses such as reception of public radio transmissions, use of cellular phones, etc., except equipment belonging to the creator of the electrical radiation.

Comments:

- The introduction references undefined industry standards that would be applied. Suggest striking this language or clarifying the intent and identifying the industry standards.
- The term "Electrical radiation" is broad and undefined. Is there a concern of the Commission related to a specific area of the electromagnetic spectrum or a type of harmful radiation?
- Suggest clarifying that data centers are not within this definition or use and would not require special permit

6. Section 300-Definitions

"Light Manufacturing Use < 15,000 square feet – The manufacture, predominately from previously prepared materials, of finished products or parts, including processing fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding the basic industrial processing. Where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emissions which will disturb or endanger neighboring properties.

Comments:

- At the last meeting we discussed removing the 15,000 SF threshold – the Commission seemed in agreement.
- On page 2 of the Use Table, there are separate entries for Light Industrial, Industrial and Manufacturing. Only Light Industrial is allowed. Light Manufacturing is not mentioned. Not sure if this was intentional or an oversight?



"Warehouse" – A warehouse is a building for storing goods. Stored goods can include any raw materials, packing materials, spare parts, components, or finished goods. Warehouses are used by manufacturers, importers, wholesalers, transport businesses, etc. as an accessory use to their main manufacturing.

Comments:

- A previous memo pointed out that not all warehouses are an accessory use to a manufacturing use and suggests the elimination of the language "as an accessory use to their main manufacturing" to avoid any confusion.

"Distribution Center" – A distribution center is a type of warehouse and is a building or group of buildings where finished goods (end products) are received and/or stored for the delivery to the ultimate customer at remote locations. Manufacturing and assembly are not part of the distribution process.

Comments:

-As we discussed at the meetings the industry uses several terms interchangeably and their actual uses don't always line up with definitions. In the above definition:

- It does not appear that the distribution of goods to a wholesaler would constitute a distribution center use.
 - A distribution center may not be exclusively a "fulfillment center" delivering finished goods or end products to a customer
 - "delivery to the ultimate customer at remote locations" also requires clarification since it is unclear as to what constitutes a remote location.
 - the reliance on the word warehouse could also be confusing as there may be a use that receives and transfers but does not store materials.
- We would be willing to work with the Town staff to further clarify the definition and intent. One definition is suggested below and can be further refined:

Distribution center shall mean a facility where goods or products are stored on-site for the purpose of delivery to a final destination. Such facilities may include automated systems, office space and areas used by employees for sorting and packaging goods and products for delivery. Distribution centers include fulfillment centers which specifically deliver finished goods to a customer.

"Trucking Terminal" – (1) Storage and distribution facilities having more than five heavy trucks (having a rating of more than 10,000 pounds or an unladen weight of more than 6,000 pounds) on the premises at any one time but excluding trucking accessory to another industrial use on the site; and/or (2) The premises used for loading or unloading trucks upon which storage of cargo is incidental to the primary function of motor freight shipment or shipment point and which is designed to accommodate the simultaneous loading or unloading of five or more trucks."

Comments:

- At the last meeting I believe the Commission decided to remove (1) and retain (2). We are concerned that this remaining language could be construed as a distribution facility and this use is only by Special Permit.
- We also suggest removing the "five or more trucks" since this threshold does not constitute a trucking terminal.

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"Trucking Business" – A facility for the receipt, transfer (short-term storage) and dispatching of goods transported by truck. Said trucking business shall involve light, medium, and heavy trucks.

Comments:

- It is unclear as to the need for this definition as it could possibly apply to a number of land uses, including a distribution center use and a trucking terminal. It does not appear that "trucking business" is specifically regulated in the Business Park District.

Data Centers / Internet Server Farm / Computing Infrastructure Provider - (1) An establishment primarily involved in the compiling, storage, and maintenance of documents, records, and other types of information in digital form utilizing a mainframe computer. This term does not include general business offices, computer-related sales establishments, and business or personal services; and (2) A telecommunication carrier facility containing equipment for telecommunications use including switches, routers, operation centers, and other infrastructure critical for dot-com companies, Internet servers, data firms, fiber-optic cable, other technology providers.

Comments:

- It may be beneficial to revisit this definition as it unclear if the intent is only to regulate facilities utilizing a mainframe.

- As noted above, we suggest that data centers be allowed as of right and not by special permit.

-the definition could be further clarified by using a separate definition for (2)

Thank you in advance and hopefully the above comments are helpful.

Sincerely,
Colliers International

A handwritten signature in cursive script that reads "Keith J. Kumnick".

Keith J. Kumnick, SIOR
Principal and Treasurer
Hartford and New Haven, CT Offices