



TOWN OF KILLINGLY, CT
PLANNING AND ZONING COMMISSION

MONDAY – OCTOBER 17, 2022

Regular Meeting – HYBRID MEETING

7:00 PM

TOWN MEETING ROOM – 2ND FLOOR

Killingly Town Hall

172 Main Street

Killingly, CT

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

MINUTES

THE PUBLIC CAN VIEW THIS MEETING ON FACEBOOK LIVE.

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

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

RECEIVED
TOWN CLERK, KILLINGLY, CT
2022 OCT 24 AM 7:11
Elizabeth M. Quisenberry

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)

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

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

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

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)

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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, 2nd Floor, 172 Main Street, at 7:00 p.m.

Second by Michael Hewko. No discussion.

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

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