

CORRECTED
KILLINGLY PLANNING & ZONING COMMISSION
REGULAR MEETING (HYBRID) OF TUESDAY, FEBRUARY 22, 2022

RECEIVED
TOWN CLERK, KILLINGLY, CT

2022 FEB 28 PM 2:51

Elizabeth M. Wilson

ROLL CALL VOTES:

Board Members:	Attendance	1	2	3
Brian Card	Absent with Notice			
Virge Lorents	√	+	+	+
John Sarantopoulos	√	+	+	+
Matthew Wendorf	√	+	+	+
Keith Thurlow	√	+	+	+
Michael Hewko - Alternate	√			
Vacant – Alternate				
Vacant - Alternate				

Michael Hewko was seated as a participating, but not voting, Member (in the absence of Brian Card).

Motion 1 Motion was made by John Sarantopoulos to close the public hearing for **Special Permit Ap #21-1273**; David Kode (Frito-Lay/Landowner); 1886 Upper Maple St; GIS MAP 62, LOT 53; 94 acres; Ind Zone; for portion of proposed building addition that will exceed the maximum height of 50 ft for said zone, with a proposed height of 86 ft, 8.5 inches.

Second by Matthew Wendorf. No discussion.

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

Motion 2 Motion was made by John Sarantopoulos to approve both **Special Permit Application #21-1273 AND Site Plan Application #21-1275**, as proposed by the Town Attorney and Staff.

Second by Matthew Wendorf.

Discussion: The Commission discussed the buffer with the Town Attorney and Staff.

Motion 3 Motion was made by Virge Lorents to amend the Original Motion to approve Special Permit Application #21-1273 and Site Plan Application #21-1275, to incorporate the following language:

- Under Conditions, Section 4.b.i, second, third and fourth sentences, to read as follows:
The Applicant shall install additional landscaping to fill in the gaps and buffers on the southwestern portion of the Frito-Lay property in accordance with a plan intended to maximize both sight and sound buffering prepared by a licensed arborist or forester engaged by the Applicant and approved by the Planning and Development Staff. The Applicant shall exercise due diligence to maintain the trees required by the plan.

And

- Under Conditions, Section 4.b.iii, first sentence, to read as follows:
The specific locations where such trees are to be installed shall be established in the plan set forth in Part i.

Amendment Seconded by Matthew Wendorf. No discussion.

Roll Call Vote on the Amendment to the Original Motion: Virge Lorents – yes; John Sarantopoulos – yes; Matthew Wendorf – yes; Keith Thurlow – yes.

Motion to amend the Original Motion carried unanimously (4-0-0).

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KILLINGLY PLANNING & ZONING COMMISSION
REGULAR MEETING (HYBRID) OF TUESDAY, FEBRUARY 22, 2022

ROLL CALL VOTES:

Board Members:	Attendance	4	5	6
Brian Card	Absent with Notice			
Virge Lorents	√	+	+	+
John Sarantopoulos	√	+	+	+
Matthew Wendorf	√	+	+	+
Keith Thurlow	√	+	+	+
Michael Hewko - Alternate	√			
Vacant – Alternate				
Vacant - Alternate				

Michael Hewko was seated as a participating, but not voting, Member (in the absence of Brian Card).

Motion 4 Motion was made by Virge Lorents to make a second amendment to the Main Motion to approve Special Permit Application #21-1273 and Site Plan Application #21-1275, to incorporate the following language:

- Under Conditions, Section 4.b.i, add the following sentence:
No building permit shall be issued before such plan is approved.

2nd Amendment Seconded by Matthew Wendorf. No discussion.

Roll Call Vote on the 2nd Amendment to the Main Motion: Matthew Wendorf – yes; Virge Lorents – yes; John Sarantopoulos – yes; Keith Thurlow – yes.

Motion for the 2nd Amendment to the Main Motion carried unanimously (4-0-0).

The Final Amended Motion was read aloud, in its entirety, for the record, and is attached herewith as Exhibit A:

Roll Call Vote on the Final Main Motion with the two Amendments: Virge Lorents – yes; John Sarantopoulos – yes; Matthew Wendorf – yes; Keith Thurlow – yes.

Main Motion, as amended, carried unanimously (4-0-0).

Motion 5 Motion was made by Matthew Wendorf to deny, without prejudice, **Special Permit Ap #21-1277**; American Storage Centers, LLC (Landowner same); 551 Westcott Road; GIS MAP 214; LOT 5; ~3.8 acres; General Commercial Zone; construction of 6 new buildings & conversion of existing building to establish a self-service storage facility (420.2.2.[q]).

Second by Virge Lorents. No discussion.

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

Motion carried unanimously (4-0-0).

Motion 6 Motion was made by Virge Lorents to receive and schedule a public hearing for **Special Permit Ap #22-1282**; Jolley Commons, LLC (Applicant/Owner); 120 Wauregan Road; GIS MAP 220, LOT 21; ~6.4 acres; General Commercial Zone; excavation and removal of gravel products; under Section 560, et seq (Earth Filling and Excavation); Section 700 et seq (Special Permits); and Section 470 et Seq (Site Plan Review) of the Town of Killingly Zoning Regulations, for the regularly scheduled meeting of Monday, April 18, 2022, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.

Second by Matthew Wendorf. No discussion.

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

CORRECTED
KILLINGLY PLANNING & ZONING COMMISSION
REGULAR MEETING (HYBRID) OF TUESDAY, FEBRUARY 22, 2022

ROLL CALL VOTES:

Board Members:	Attendance	7	8	9	10
Brian Card	Absent with Notice				
Virge Lorents	√	+	+	+	+
John Sarantopoulos	√	+	+	+	+
Matthew Wendorf	√	+	+	+	+
Keith Thurlow	√	+	+	+	+
Michael Hewko - Alternate	√				
Vacant – Alternate					
Vacant - Alternate					

Michael Hewko was seated as a participating, but not voting, Member (in the absence of Brian Card).

Motion 7 Motion was made by Virge Lorents to receive and schedule a public hearing for **Special Permit Ap #22-1283**; Steven E. MacCormack (Applicant/Owner); 42 Mechanic St; GIS MAP 181; LOT 104; ~0.13 acres; **AND** 26 Oak St; GIS MAP 181; LOT 105; ~0.25 acres; both Borough General Commercial Zone; self-service storage facility in two pre-existing buildings; under Section 430, et seq (General Commercial) and Section 700 et seq (Special Permit) of the Borough of Danielson Zoning Regulations, for the regularly scheduled meeting of Monday, March 21, 2022, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.
 Second by Matthew Wendorf. No discussion.
 Motion carried unanimously by voice vote (4-0-0).

Motion 8 Motion was made by Matthew Wendorf to receive and schedule a public hearing for **Zone MAP Change Ap #22.1284**; State of CT; Aquifer Area Program Implementation Letter for Map Delineation; 360 Lake Road; GIS MAP 61; LOT 52; ~11 acres; Industrial Zone; Level "A" Mapping Approval for the Connecticut Water Company's Killingly Industrial Park Well Field, for the regularly scheduled meeting of Monday, March 21, 2022, Town Meeting Room, 2nd Floor, 172 Main Street, at 7:00 p.m.
 Second by Virge Lorents. No discussion.
 Motion carried unanimously by voice vote (4-0-0).

Motion 9 Motion was made by Matthew Wendorf to approve the Minutes of the Regular Meeting of Tuesday, January 18, 2022.
 Second by Virge Lorents. No discussion.
 Motion carried unanimously by voice vote (4-0-0).

Motion 10 Motion was made by Matthew Wendorf to adjourn at 9:26 p.m.
 Second by Virge Lorents. No discussion.
 Motion carried unanimously by voice vote (4-0-0).

MOTION TO APPROVE SPECIAL PERMIT AND SITE PLAN APPLICATIONS FRITO-LAY

WHEREAS the Killingly Planning and Zoning Commission received Special Permit Application #21-1273 of David Kode (Frito-Lay, Inc. / Landowner) (the “Applicant”); 1886 Upper Maple Street, Killingly, CT GIS MAP 62; LOT 53; ~94 acres; Industrial Zone; to allow the construction of a new Automatic Stock Retrieval System (ASRS).

WHEREAS, the Killingly Planning and Zoning Commission received Site Plan Applications #21-1275 of David Kode (Frito-Lay, Inc./Landowner) (the “Applicant”); 1886 Upper Maple Street, Killingly, CT GIS MAP 62; LOT 53; ~94 acres; Industrial Zone; to allow the construction of buildings and related site improvements related to its existing industrial use of the site.

WHEREAS, said ASRS System (“System”) will be an eight (8) rack high system enclosed in a building at the height of eighty-six (86) feet, eight and one-half (8.5) inches.

WHEREAS, the Killingly Zoning Regulations (“Regulations”) allow construction to such a height under Section 450 (Dimensional Requirements); Subsection 450.3.1 (Height in Industrial Zones) by special permit request.

WHEREAS, two other ASRS units were previously approved for this site – 1) the original ASRS building built at a height of seventy-five (75) feet and ten (10) inches, and – 2) the ASRS building built in 2012 at a height of seventy-six (76) feet and eleven (11) inches.

WHEREAS, the Alexander’s Lake Association, Inc. filed a petition to intervene filed pursuant to Conn. Gen. Stat. §22a-19 verified by its attorney, Mary Mintel Miller, in both the special permit and site plan applications.

WHEREAS, the Commission conducted a public hearing and conferred with and received information from the Applicant, Intervenor, and the public regarding both the special permit and site plan applications.

THEREFORE, I move that the Commission approve the site plan and approve the special permit application subject to the following conditions, each of which are integral to the special permit application, and subject to the following findings.

WITH REGARD TO THE APPLICATIONS:

1. The site plan application is substantially complete, and includes material and information required by the Commission under these Regulations to reach the findings contained herein.

2. The special permit application is substantially complete, and includes material and information required by the Commission under these Regulations to reach the findings contained herein.

3. Subject to the conditions of approval set forth below, the proposed special permit is in general conformance with the requirements of Article VII of the Regulations.

4. The approval is made with the following conditions:

a. Sound Attenuation Model and Testing

i. Applicant shall prepare a sound/noise attenuation model (the "Model") to include the existing and new equipment proposed for the facility and all engineering controls to be employed. The Model shall clearly identify the recommended controls to demonstrate compliance with existing Local and State ambient noise levels. The Model is to be calibrated with actual on-site measurements taken during both daytime and night-time hours. The final results / report of this Model shall be submitted to the Planning & Development Department for review prior to on site construction activities.

ii. Following construction of the plant expansion that is the subject of the site plan application and the completion of installation of associated new manufacturing and rooftop equipment, the Applicant shall conduct a post construction monitoring (Sound Survey Test – the "Test") within seventy-five (75) days of the full operation of Applicant's expanded facility (includes ASRS and other buildings). Results of such testing shall be compared to the Model, to confirm that the facility is in compliance with the noise regulations promulgated by the Connecticut Department of Energy and Environmental Protection ("DEEP") which are set forth in Regulations of Connecticut State Agencies Section 22a-69-1 et seq (the "CT DEEP Regulations"), and the Town of Killingly Noise Ordinance (Article VI. Noise Ordinance).

(1) The TEST shall be conducted in conformance with the requirements of the CT DEEP Regulations and in substantial conformity with acoustical test methods and procedures specified in generally accepted outdoor sound survey standards, including ASTM E1503-14.

(2) Said testing related to the Test shall be completed at a minimum of three (3) residential properties on the west side of Upper Maple Street; and shall be completed by an acoustical consultant. These

locations shall be determined in consultation with the Town Engineer and Zoning Enforcement Officer or their designee.

(3) The date and time of the Testing shall be done in consultation with the Town Engineer and Zoning Enforcement Officer; and said date and time shall be confirmed at least two days in advance of the proposed test.

iii. All Modeling and final reports of the Tests results shall be submitted to the Planning and Zoning Commission through the Planning and Development Office of the Town of Killingly within thirty (30) days of the completion of the Testing.

iv. If the Testing demonstrates that the facility as improved is not in substantial conformity with the CT DEEP Regulations, nor consistent with the pre-construction modeling, the applicant shall employ such noise mitigation measures that it determines are required to achieve compliance. Within thirty (30) days of employing such mitigation measures, the Applicant shall conduct another round of testing in accordance with the conditions listed above. If compliance is not achieved, additional measures shall be employed, and another round of testing shall be completed in accordance with the conditions listed above until compliance is demonstrated.

b. Landscape and Forest Plantings – Buffering

i. The Applicant shall maintain the existing landscape and forest plantings as shown on the 2010 and 2012 site plans and shall add to those plantings as described herewith. The Applicant shall install additional landscaping to fill in the gaps in buffers on the southwestern portion of the Frito-Lay Property in accordance with a plan intended to maximize both sight and sound buffering prepared by a licensed arborist or forester engaged by the applicant and approved by the Planning and Development staff. No building permit shall be issued before such plan is approved. The Applicant shall exercise due diligence to maintain the trees required by the plan.

ii. Once the additional landscape and forest plantings are completed in accordance with the direction of the Planning and Development staff the Applicant shall submit to Planning and Development staff an updated Landscape and Forest Management Plan to show then current conditions of said landscape and forest plantings. Said plan shall then become the basic plan for all future landscape and forest management to maintain, preserve, and enhance the

buffer zone and visual barrier. Said plan shall include annual monitoring of said areas by said Applicant.

iii. The specific locations where such trees are to be installed shall be established in the plan set forth in part i. At least once every five (5) years after installation of these plantings, the Planning and Development staff shall conduct a field inspection of the plantings to determine if additional plantings are necessary to maintain an effective barrier. If so, the Applicant shall plant / install those plantings in consultation with staff.

iv. The Applicant shall submit annual reports to the Planning and Development staff demonstrating compliance with the Landscape and Forest Management Plan.

c. The Applicant shall stipulate that all construction traffic (including materials, workers, and the removal of materials) shall be routed through the Attawaugan Crossing Road access point to the Frito-Lay Property.

d. The Applicant shall use mechanical means of removal for all cuts located within the project area. Blasting is not allowed unless additional approvals are granted by the Planning & Zoning Commission.

e. In connection with the construction of the Project, contracts with construction subcontractors shall include language directing the subcontractors to utilize carpooling measures for their employees during construction to reduce the overall number of vehicles travelling to and from the site. The Applicant shall require the construction workers to use the Attawaugan Crossing Road access point to the Frito-Lay property.

f. In connection with the Haskell response dated January 14, 2022, to the CLA Engineers, Inc. (CLA) review comments dated January 12, 2022, the additional information which Haskell indicates will be provided in response to CLA review comments, 2, 8, 11, 12, 14, 16, 17, 18, 19, 20, and 22 shall be submitted to the Town Engineer for review and approval prior to the issuance of a building permit.

g. The Applicant shall submit a construction phasing and management plan to address any additional concerns raised by the Commission or the Town Engineer following approval.

h. The Applicant shall post a bond, the amount to be determined by the Town Engineer & Planning and Development staff, to assure compliance with the above conditions/modifications.

WITH RESPECT TO THE PETITIONS FOR INTERVENTION

Special Permit Application #21-1273

As to Intervenor's Conn. Gen. Stat. § 22a-19 Notice of Intervention in Special Permit Application #21-1273, the Commission Finds:

1. The Commission has reviewed the allegations contained in the petition,
2. The Commission has considered all evidence submitted by the Intervenor, the Applicant and the Public that was relevant to the allegations in the petition.
3. The Intervenor did not prove that the activities authorized by the approval of the special permit with conditions set forth above are reasonably likely to unreasonably pollute, impair or destroy the public trust in the air, water, or other natural resources of the state.

Site Plan Application #21-1275

As to Intervenor's Conn. Gen. Stat. § 22a-19 Notice of Intervention in Site Plan Application #21-1275, the Commission Finds:

1. The Commission has reviewed the allegations contained in the petition.
2. The Commission has considered all evidence submitted by the Intervenor, the Applicant and the Public that was relevant to the allegations in the petition.
3. The Intervenor did not prove that the activities authorized by the approval of the site plan are reasonably likely to unreasonably pollute, impair, or destroy the public trust in the air, water, or other natural resources of the state.

Dated at Killingly, Connecticut, this __22nd__ day of February 2022.

Motion was made by John Sarantopolous seconded by Matt Wendorf.

There were two addendums made to the motion, they are included above.

The Motion passed 4 to 0.