



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

Monday, May 18, 2015
Regular Meeting
7:00 PM

Town Meeting Room, Second Floor
Killingly Town Hall
172 Main St., Killingly

MINUTES

RECEIVED
TOWN OF KILLINGLY, CT
15 JUN - 1 PM 2:06
Elsie Bisset

I. **CALL TO ORDER** – Acting Chair, Brian Card, called the meeting to order at 7:01 pm.

ROLL CALL – William Ritter, Milburn Stone, Brian Card. Todd Nelson, Sheila Roddy and Keith Thurlow were absent with notification.

Staff Present – Linda Walden, Director of Planning & Development; Dave Capacchione, Town Engineer; Elsie Bisset, Economic Development Director.

Also Present: Joyce Ricci, Town Council Liaison

II. **SEATING OF ALTERNATES** – Brian Card stated that William Ritter would be seated as a voting member for this meeting.

III. **AGENDA ADDENDUM**

Motion by William Ritter to include Addendum:

IX. **New Business**

Application #15-1109 of Town of Killingly for Section 410.1.1h or Section 410.1.2j for a 72' x 150' salt storage shed; 246 Brickhouse Road; Map 190 - Lot 14; 225+/- acres; Rural Development Zone: Receive the application, and if complete, decide if this an expansion of an existing municipal use (Permitted use) or a new municipal use (Special Permitted use) and schedule accordingly.

Second by Milburn Stone. Motion carried unanimously.

IV. **MEETING CONDUCT AND ORIENTATION** – Read by Linda Walden.

V. **CITIZENS' COMMENTS ON ITEMS NOT SUBJECT TO PUBLIC HEARING**

John Sarantopoulos, 37 Tunk City Road, stated that he wants it noted that he is in opposition of the Zone Text Change Application regarding Accessory Dwelling Unit which is scheduled for public hearing on June 15, 2015. He requested a list of anyone in Town who has made an application for a second residence within the last three years.

VI. **COMMISSION/STAFF RESPONSES TO CITIZENS' COMMENTS**

Linda Walden stated that she would be able to provide Mr. Sarantopoulos with that information in approximately two weeks.

VII. **PUBLIC HEARINGS**

A. **Zone Change Applications**

1. **Zone (Map) Change Application #15-1104 of Doris Huard for Boro Section 900 to change 50 Westcott Road (Eli & Richard L & Doris E Huard owners); Map #182- Lot 28; 0.29 acres; from Boro Residential Medium Zone to Boro General Commercial Zone**

Doris Huard, owner, who resides in Massachusetts, stated that the home is a two-family and that she is in the process of selling the property. She stated that most of the street is already commercial and there may be interest in putting in a professional building in the area so she would like to have that option open.

Brian Card asked Mrs. Huard to address how the zone change would be appropriate in that vicinity according to the POCD. Mrs. Huard stated:

- It has access to Route 395;
- A lot of traffic moves through there;
- School, library, police, a couple of strip malls, close to Downtown area;
- Traffic relates well for commercial;

Mrs. Huard stated that when she bought the property, she had been told that it was commercial. It had been incorrectly listed on the Assessor's Map as commercial.

Brian Card indicated the property and the Boro Residential and Boro Commercial Zones in the area. He asked if Mrs. Huard would be addressing Section 900 – Criteria. Mrs. Huard stated:

- Errors in existing regulations - It had been listed on the Assessor's Map as commercial;
- Legality of proposed amendment – It is in future planning to become commercial;
- Size of area involved and contiguous acreage – Two Houses down was changed to commercial and there is a medical practice in there now. She stated that she did not know if it being across the street would be counted as contiguous.

Richard Loomis, 318 East Putnam Road in Putnam, spoke in favor. He is a real estate broker and he explained if the property is marketed as a two-family and the rest of the area becomes commercial, it will be difficult to sell.

No one spoke in opposition.

Linda Walden did a Power Point overview of the area and stated that there is no minimum acreage requirement or minimum frontage requirement in the Boro General Commercial Zone. She stated that it is part of the POCD and showed the map. She explained that zoning district boundaries extend to the middle of the road or the middle of a natural feature, so, if this property were changed to General Commercial, it would be contiguous to the General Commercial properties on the south side of the road. At the request of Brian Card, she indicated the Town General Commercial areas.

There were no other comments.

Brian Card asked Mrs. Huard if she preferred that the public hearing remain open to allow other Commission Members to hear and be present to vote or would she rather it close. Mrs. Huard stated that she preferred that it close.

Motion by William Ritter to close the public hearing for Zone (Map) Change Application #15-1104 of Doris Huard for Boro Section 900 to change 50 Westcott Road (Eli & Richard L. & Doris E Huard owners); Map #182- Lot 28; 0.29 acres; from Boro Residential Medium Zone to Boro General Commercial Zone. Second by Milburn Stone. Motion carried unanimously.

2. Zone (Text) Change Application #15-1106 of James Rivers for Boro Section 900 to Amend Section 300 – Definitions to add an Outpatient Therapeutic and/or Counseling Clinics definition and to amend Section 440.3 to add I. Outpatient Therapeutic and/or Counseling Clinics (as defined in Section 300) as a Special Permitted Use in the Central Business District zone

Attorney, Edwin C. Higgins, 635 Route 197 in Woodstock, represented the Applicant. He asked if a unanimous vote would pertain to amendments to the regulations or just to a zone change. Linda Walden explained that it is text and map amendments as presented to the Commission.

Attorney Higgins asked Acting Chair, Brian Card, if he will be asking Mr. Rivers if he would want to continue the public hearing to the next meeting as he had with the previous Applicant. Brian Card stated yes.

Attorney Higgins asked if the absent Members of the Commission would have the opportunity to review the minutes. Linda Walden explained that they have audio and video of the meeting as well as the minutes and that they do need to view the video and stated that they are familiar with the record before they would participate in a vote.

Attorney Higgins stated that Mr. Rivers, in response to the need to adapt a use of his building to accommodate an existing facility (located two blocks away), brought in a proposed text amendment that would allow that use. However, it was identified (during the permitting process) that it is not an allowed use under the existing regulation (as interpreted). It was declined by the Commission. Attorney Higgins stated that he reviewed the Minutes of the Meeting and comments and opinions submitted by Attorney St. Onge. He stated that, for the present Application, they took a different approach and are trying to address some of the concerns expressed at the last meeting:

- Article III – Definitions, Section 300 (Boro Regulations)

Outpatient Therapeutic and/or Counseling Clinics

A group or individual clinic providing outpatient therapeutic and/or counseling services to clients and staffed by professionals licensed by the State of Connecticut, or counseling personnel supervised by professionals licensed by the State of Connecticut. There shall be no overnight lodging or dispensing of medications at such clinics.

- Article IV – Section 440.3 Uses Allowed by Special Permit

1. Outpatient Therapeutic and/or Counseling Clinics (as defined in Section 300).

Attorney Higgins stated that if the Commission were to put this in place by special permit it would allow the particular application to come before the Commission to go through the normal special permitting process with all the information and criteria with opportunity for input by community members and for the Applicant to satisfactorily address any concerns. He stated that both Mr. Rivers and his potential tenant are confident that it would be a good fit for the area.

Attorney Higgins stated that Section 902 under Criteria (regarding changes that have taken place with the Town's development and use) will be addressed by Mr. Rivers. Attorney Higgins stated that these clinics provide a needed resource and bring in people from a large geographical area that, otherwise, would not have a reason to come into Town to utilize the resources and expose them to what Killingly has to offer. He stated that he feels the Application satisfies Section 900 – Criteria.

James Rivers, 177 Searles Road in Pomfret, read from a prepared statement:

- Has owned and operated small businesses and owned and managed residential and commercial real estate in northeastern Connecticut for 25 years, including properties in Killingly at 156 Main Street (Key Gym & Joseph Jewelers), 157 Main Street (Dowe Building), and 134 Main Street (Main Street Exchange Building). These buildings total approximately 26,000 square feet of space currently configured into 15 rental spaces. His wife, Kelly, owns a single-family home in the Boro.
- He and his wife are actively involved in daily management and maintenance of the properties.
- He spoke of changes that the Downtown area has undergone and stated that there are at least 35 vacant spaces in the Downtown area. He stated that many are ready for occupancy, but it is very challenging to fill them. Filling them is the key to a thriving Downtown Danielson.
- He stated that he feels optimistic for the future due to location; good architecture; good parking; and base of long-term, solid businesses that are owner occupied. He spoke of many of the recent improvements.
- He stated that a comprehensive approach needs to be taken with more public/private partnerships to renovate neglected properties. Otherwise, we will lose to our competition – other municipalities.
- Specialty retail, restaurants, and services (self-sustaining, but can be catalysts for the foot traffic that restaurants and retailers require) need to be the focus because these are attractive and supported by consumers and are likely to succeed in today's business setting.
- Many of the vacant spaces are on the upper floors which are not suitable for restaurants and retail.
- Health care services have grown dramatically in recent years and pay well. He named some health care and other related public service providers that have occupied the Downtown area: Northeast District Department of Health; Health Net of New England; and Access Agency. He named some more that would be considered clinics: Generations; Community Health Resources; Care Net; Orthopedic Associates and Tri-State Sports Rehabilitation; and The Connection.
- Community Health Resources has applied for a zoning permit to move to into 3,200 s.f. on the third floor of the 134 Main Street Exchange Building. They have been at their current location on Commerce Avenue for the last 25+ years which is now too small and not well-suited for their operation. He noted that the use is consistent with the other types of service organizations that the Building was built for and used by on the upper floors since the major renovation in 1999 which was supported by \$500,000.00 grant sponsored by the Town of Killingly. The ZEO denied the permit as the use is excluded in the Central Business District Zone. However, he stated that medical and dental offices and professional buildings defined in the Boro Zoning Regulations specifically listed licensed, medical practitioners as permitted in the same Section. Also, clinics are allowed by special permit in other zones in the Boro. He stated that all families will use physical or behavioral health, therapeutic, and counseling services at one time or another.
- In March 2015, an application to allow non-medication dispensing clinics by right was heard and denied by the Commission. He hired Attorney Higgins to assist him in drafting more appropriate language based on feedback and opinions heard from the public, Town Attorney St. Onge, and Members of the Commission.
- He requested that the Commission act favorably upon the proposed text changes to the Boro of Danielson Regulations to have additional appropriate permitted options in the Central Business District Zone which will increase occupancy in Downtown Danielson, provided needed services for all Killingly residents, and support the creation and retention of jobs in Killingly.
- At the request of Attorney Higgins, Mr. Rivers submitted a copy to Linda Walden for the record.

Dick (Richard) Loomis, 318 East Putnam Road in Putnam, spoke in favor. He stated that he has worked for Mr. Rivers for more than 20 years and that he specializes in downtown and mills and that this business will be locating professionals in the Downtown area and that they will be spending money here and bringing other people in.

Stan Shapiro, 139 Vernon Street in North Hampson, MA (home address), 995 Day Hill Road, Windsor, CT (work address), Senior Vice President at Community Health Resources (CHR) stated that they are in support of this Application. He stated that they have operated the clinic for over 20 years on Commerce Avenue where they serve approximately 400 clients. CHR is the largest non-profit provider of behavioral health services in Connecticut (central and eastern Connecticut). He stated that they are very committed to providing behavioral health, substance abuse and health services to the citizens of Danielson and to make it easy for their clients to access their services. They are looking forward to moving to a larger space to meet the needs that they are facing. He offered to answer questions.

There were no other comments in favor of the Application.

Brian Card asked if there were any comments against the Application.

Lynn Laberge, 28 East Franklin Street, spoke in opposition. She stated that the Town Council, Economic Development Office/Commission, Community Development Office, and the Killingly Business Association have been working hard to make the Downtown area a place where people want to shop, eat, and feel safe while there. She stated that she has seen people loitering outside of the clinic on Commerce Avenue. She stated that people are afraid to shop because of this and this is not the type of atmosphere needed on Main Street in Danielson. She asked that the Application be denied.

John Hallbergh, Jr., 1260 Hartford Pike, asked that the Application be denied. He stated that Mr. Rivers is correct that businesses that will bring people to the Downtown area are needed, but the Boro has had a restriction on clinics on Main Street for 40+ years for a reason and he feels it should stand. He does not believe that the type of business that they are looking to bring in with this zone change would help the Main Street business area to prosper. He asked that, if the Commission does not deny the Application tonight, to wait until there is a full Board to make this decision.

Ann Dauphinais, 204 Wright Road, spoke in opposition. She stated that she has lived in Killingly almost all her life and has seen the Town go from a robust business area to the ghost town that it has become. She stated that none of the people who support the Application are from this Town. She stated that she has been a nurse for 30+ years and understands the need for these types of clinics, but doesn't believe it belongs in the Downtown area. She stated that the image of Killingly needs to be changed in the right direction.

Nick Gaughan, 185 State Avenue in Rogers, spoke in favor of the Application. He stated that he has lived in Killingly for 22 years and that he is the Clinical Program Director for CHR on Commerce Avenue. He is a licensed alcohol and drug counselor and a licensed professional counselor. The bulk of the people he works with are from the Killingly and Putnam area. He sees the changes that take place when people get the kind of help provided by CHR. He stated that there are substance abuse cases, but the bulk is mental health issues (depression, anxiety, PTSD, trauma). He stated that the clientele are employed, live around here, and spend their money around here.

Beverly Ferron, 102 Squaw Rock Road, stated that she is opposed.

Linda Walden read an e-mail received from Brian Gosper, dated May 16, 2015, which was requested to be read into the record. Mr. Gosper stated that he is opposed and asked that the Application be denied. Linda Walden stated that Mr. Gosper is a Member of the Town Council, but that she did not think he was writing on behalf of the Town Council.

William Ritter asked Mr. Shapiro how big is his staff. Mr. Shapiro stated that he believes eleven employees counting part-time employees. He stated that Mr. Gaughan is the Clinic Director, five Masters-level Therapists, two secretaries, and three contractors. William Ritter asked if they are residents of Killingly. Mr. Shapiro stated that they are not all residents, but either are residents or commute.

Milburn Stone asked Mr. Shapiro about the comment that was made about clients loitering. Mr. Shapiro stated that he does not know if there is any evidence that the people loitering were clients. He stated that they serve a wide variety of people who have difficulties in their life whether it be substance use, alcohol problem, opiate problem, depression, anxiety – it could be anyone in the room. He stated that there is a tremendous problem with opiate addiction (which tends to start with using prescription medications) in Connecticut and Massachusetts at this time. He stated that if you see people loitering, that's a reason to support the kinds of services that CHR provides to help get those people back to work and to their families.

Brian Card reminded the Commission Members and the public to keep comments to clinics in general and not to a specific clinic.

Mr. Shapiro clarified that, if able to occupy the new site, CHR would not be dispensing medications and they do not dispense medications at their current site on Commerce Avenue.

John Hallbergh, Jr., 1260 Hartford Pike, stated that he is not saying that clinics and therapy are not needed, he just thinks that it does not fit in well on Main Street. He stated that he has a photo of loitering in front of the clinic on Commerce Avenue if anyone was interested in seeing it. He stated that the photo had been sent to him through an anonymous e-mail.

Brian Card again reminded that the discussion is not regarding a specific clinic.

Attorney Higgins stated that the Application is to change the Regulations to allow a specific proposal to come forward and, if this Application is allowed to come forward with an amendment, there will be an opportunity to look at an existing facility a short distance away and the questions about loitering can be brought out for discussion. He does not want it to appear that they are asking for rules to be changed to allow that in.

Brian Card asked Attorney Higgins about professional staffing. He asked how the definition would apply to a multi-office clinic that has a single supervisory staff at a different office. Would this definition require that a licensed staff be on-site at all times? Attorney Higgins stated that he thinks that there would have to be somebody licensed at the facility overseeing the staff that

is going to be providing the services. Brian Card asked if there could be a group of clinics with a single supervisory staff located elsewhere. Attorney Higgins stated that if they were all on an existing application that came before the Commission for a specific use, that is something that could be done and it would be something for the Commission to weigh and consider and applying all of the other criteria under special permit conditions. Brian Card asked if the definition could be read that way, that supervisory staff could be located off site. Attorney Higgins stated that he was not sure, but in his mind, it would be site specific to the location that was identified in the application for special permit.

Brian Card asked Mr. Loomis what impacts (regarding real estate values with businesses coming and going), positive or negative to districts, has he seen where clinics may or may not have been allowed. Mr. Loomis stated that he has not seen loitering issues, but there is a fear out there, but it hasn't affected values. He stated that he feels it will have a positive effect because it will bring business in.

Ann Dauphinais, 204 Wright Road, stated that these services are on the outskirts of Putnam, not Downtown, so there is no comparison. She stated that no one is opposed to having therapeutic services in the area, but they don't want it on Main Street. She does not believe it will attract businesses. She stated, again, that the majority of the people supporting it are not from Killingly.

Brian Card asked either Mr. Rivers or Attorney Higgins why they feel (given that clinics are allowed in the Boro General Commercial – some allowed and some by special permit) that clinics are appropriated for the Central Business District (outside of the vacancy issue). Mr. Rivers stated that the distance between the zone that allows clinics is hundreds of feet from the area being discussed, so the impact of loitering or another element of fear isn't going to change one way or the other because the district is so small. He stated that it comes down to where the spaces are and Downtown Danielson is where the available space is. He stated that the loitering problem was much worse 10 or 20 years ago.

Mr. Rivers pointed out that the Courthouse and probation office provide customers for the businesses on Main Street. He explained that behavioral health is a good business today with a lot of money to renovate and maintain a facility and make sure there isn't any loitering. He noted that The Connection (which was in his building for a couple of years) serves sex offenders who are on probation. He said there were no complaints because nobody knew about it.

Mr. Rivers stated that it's strange that we permit the sale of alcohol and cigarettes on Main Street, but we won't allow the treatment to help people to get away from those addictions.

William Ritter asked Mr. Rivers how many clinics are in the Central Business or Commercial Zone in Pomfret where he had been First Selectman. Mr. Rivers stated that he does not think there are any clinics as there are very few sections in Pomfret that are zoned business. He explained that it is a very restrictive town and that people would go to Killingly or Putnam for those types of services.

Mr. Shapiro stated, in response to Brian Card's question as to why the Central Business District, it is about availability of space.

Ann Dauphinais, again stated that the majority of the people in support of the Application are not from Killingly and that Putnam's service centers are not on Main Street. She stated that Mr. Rivers has an invested interest to get a sustained rent from the State of Connecticut. She stated that this does not benefit everyone.

Linda Walden stated that Attorney St. Onge was not able to attend this evening, but would be able to attend the June meeting should the public hearing be continued.

Brian Card asked if there were any comments from the Killingly Business Association. Linda Walden stated that she had not received anything. Elsie Bisset, Economic Development Director, stated that the KBA discussed it a couple of times with James Rivers present, but had not taken any action. Elsie Bisset also stated that the Economic Development Commission had discussed it and also did not take any action as they felt they did not have enough information. Brian Card asked for the minutes from those meetings. Elsie Bisset stated that she would provide them. Linda Walden stated that they should be provided prior to the close of the public hearing.

Linda Walden asked for clarification regarding the concept of the term "therapeutic" in the definition. She asked if they are referring to a physical therapy facility or is there another intent or opinion as to the interpretation of the word therapeutic. Attorney Higgins stated that the intent was not to expand it, but to try to fit it with the particular use that the potential tenant has which involves providing therapeutic services to clientele.

Linda Walden stated that this proposed definition and use still uses the word "clinics" and she asked if there was a statutory or licensing from the State Department of Health why the term is still used. Attorney Higgins stated that it is reflective of the American language and how terms get used, but there was no further parsing of the definition.

There were no other comments.

Brian Card asked Mr. Rivers if he preferred that the public hearing be kept open until next month or would he prefer that it be closed. Mr. Rivers stated that he would like it to be continued.

Brian Card reminded the Commission and the public to keep in mind that, for an Application like this, the Town should be looked at as a whole and the definition should be looked at as a global definition and not looking at one application or one applicant or one business.

Linda Walden stated that if the Commission needs any additional information/statistics to let her know so that she can supply it.

Motion by Milburn Stone to continue the public hearing for Zone (Text) Change Application #15-1106 of James Rivers for Boro Section 900 to Amend Section 300 – Definitions to add an Outpatient Therapeutic and/or Counseling Clinics definition and to amend Section 440.3 to add I. Outpatient Therapeutic and/or Counseling Clinics (as defined in Section 300) as a Special Permitted Use in the Central Business District zone to Monday, June 15, 2015, at 7:00 pm, Killingly Town Hall, 172 Main Street, Town Meeting Room, Second Floor. Second by William Ritter. Motion carried unanimously.

Linda Walden stated that if someone is unable to attend the meeting next month, they could submit comments to the Commission in writing and it would be read into the record and become part of the public hearing record. She explained exparte communication and asked that no one try to speak about this Application with Members of the Commission as they must base their decision entirely on the record, testimony, and information received during the public hearing.

3. Zone (Map) Change Application #15-1107 of the Killingly Planning & Zoning Commission to change the following parcels from Boro Residential Medium zone to Boro General Commercial Zone:

MAP/LOT	ADDRESS	OWNER(S)
181/162	46 Westcott Road	Penrod, Clone III & Elizabeth N
182/029	60 Westcott Road	Bank of America, NA

And to change the following parcels from Town Low Density zone to Town General Commercial zone:

MAP/LOT	ADDRESS	OWNER(S)
182/030	64 Westcott Road	Barry, Edward A
182/031	70 Westcott Road	Barry, Edward A
182/032	80 Westcott Road	Page, Robert A & Davis-Page Kathleen

Linda Walden did a Power Point presentation and a review of the properties. She explained that as part of the POCD, the P&Z Commission adopted a plan that runs from 2010 through 2020. They decided where to direct future growth and development to identify areas throughout the Town where there was infrastructure (public water, public sewer, good State roads with good access off of highways) and identified areas that should be considered for re-zoning. She indicated the properties proposed for change on the maps.

She provided a handout with excerpts from the POCD to the Commission Members and explained that it is required that reference/consultation is made to it:

Page 31: Non-Transportation Infrastructure – Objective 2:

- Look at the Downtown area and, rather than directing growth to a more undeveloped area where public sewer and water does not exist, try to make use of existing infrastructure – Look for areas where you can do infill/redevelopment. Westcott Road is one of those areas primarily because of its location at Route 395, Exit 92 (the most direct route to the Downtown Boro area).
- There has been identification of an area with existing infrastructure and General Commercial activities and uses already in the area. Westcott Road is suitable for redevelopment/commercial use.

Page 37: Public Services – Object 2:

- Resident Troopers operate out of Town Hall, Troop D on Westcott Road, presence of police in the area on a consistent basis. Danielson Fire Station is located behind Town Hall.

Page 49: Economics:

Westcott Road provides access directly northbound to 395 and going southbound from Westcott, you parallel Route 395 until it merges. There is direct ramp access from 395 southbound to Westcott and the ramp parallels Route 395 to Westcott from 395 northbound.

Page 52: Economics:

It is appropriate consideration that redevelopment and infill is given some consideration.

Page 57: Land Use:

- We are recognizing a regional center and the possibilities of additional commercial use.

Page 57-58: Land Use:

4. Development at Route 395, Exit 93 in the Dayville section of Killingly.

When looking at the size of the properties, size of the structure, very limited frontage. Most of the commercial activity, for the most part, would be redevelopment and re-use of existing structures. Unless one entity would buy up all of the properties, they would tend to be small-scale commercial activity.

Brian Card asked since both are contiguous or existing commercial zones, do we have to put approximate sizes up in the Boro Commercial Zone in that area and the Town Commercial Zone. Linda Walden apologized and stated that she did not bring it. She stated that the Boro is separate from the Town. The Boro is three acres or more and the Town is ten acres or more for text amendments. She stated that on the Central Business District Map there is some General Commercial along Route 12 that would feed into this, so the three acres would be exceeded or would be very close. The ten acres for the Town would be closer in size, but may, be not quite reached.

John Sarantopoulos, 37 Tunk City Road, asked who puts the State POCD together. Linda Walden answered that it is done by the Office of Policy and Management (OPM) and the Legislature are involved in the adoption process as well. Mr. Sarantopoulos asked if it is directly a result of the local POCD developed every ten years. Linda Walden stated that it is a partnership. The State approves its plan and then the towns follow suit. Mr. Sarantopoulos asked how the State gets its plan – Is it made up primarily by the individual communities. Linda Walden stated that the individual communities are probably more of a reflection of the State plan and explained the process, but towns give input as well.

Doris Huard, owner of 50 Westcott Road, who resides in Massachusetts, stated that the properties on the street that have been commercialized are very attractive and well maintained. She commented that it is a nice drive through with the school, library, and the Farmers' Market. She said that it is a nice entrance into the Downtown area.

Linda Walden stated that she received an e-mail stating opposition from Robert A. Page and Kathleen M. Davis-Page, dated May 18, 2015, and she read it into the record. They are the owners of the property at 80 Westcott (the property furthest east on Westcott Road and adjoins the plaza where Dunkin Donuts is located).

William Ritter asked, if approved, how this zone change would affect taxes on the properties. Linda Walden explained that the stated policy of current Assessor Melissa Bonin, is that until the property use actually changes, the property is valued and assessed for the current use. Discussion ensued.

Motion by Milburn Stone to close the public hearing for Zone (Map) Change Application #15-1107 of the Killingly Planning & Zoning Commission to change the following parcels from Boro Residential Medium zone to Boro General Commercial Zone:

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181/162	46 Westcott Road	Penrod, Clone III & Elizabeth N
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182/032	80 Westcott Road	Page, Robert A & Davis-Page Kathleen

Second by William Ritter. Motion carried unanimously.

- B. Special Permits - none
- C. Site Plan Reviews – none
- D. Subdivisions - none
- E. Other – none

VIII. UNFINISHED BUSINESS

A. Zone Change Applications

1. Killingly Planning and Zoning Commission initiated Zone (Text) Change Application #15 – 1103 to add the definition Accessory Dwelling Unit to Section 310, delete the existing Section 410.1.2 q and add new Section 410.1.2q, add new Section 410.2.2o, add new Section 566 - Accessory Dwelling Unit and add Section 530.1.1e – Parking, for the purpose of allowing accessory dwelling units as a Special Permitted use in the Rural Development and Low Density zones: Public hearing is scheduled for Monday, June 15, 2015

Linda Walden stated that an intent had not been included in the draft for the accessory apartments. She explained that she put in an intent because it needed to go to the Regional Planning Agency prior to tonight's meeting. However, after reviewing the intent, if there were objections, the Application could be stopped, re-work any of the Regulations, and re-notify the Regional Planning Agency. She stated that changes from the last meeting were incorporated on the draft, she reviewed a number of

model ordinances in similar-sized towns that she felt were very conservative and reflected the situation. She asked for feedback.

Brian Card had no comments on intent, but asked about the timing if the public hearing were opened and there were objections from other Commission Members. Linda Walden stated that it would depend on the objections – you can detract rather than expand, once it's been advertised.

Brian Card stated that he feels this is a family-oriented Town. He asked if any of the other Commission Members had any comments on the intent. There were no comments. Brian Card stated that he would like the whole Commission to be able to comment on the intent at the next meeting and he suggested that the public hearing be delayed one month.

Motion by William Ritter to delay the public hearing for Killingly Planning and Zoning Commission initiated Zone (Text) Change Application #15 – 1103 to add the definition Accessory Dwelling Unit to Section 310, delete the existing Section 410.1.2 q and add new Section 410.1.2q, add new Section 410.2.2o, add new Section 566 - Accessory Dwelling Unit and add Section 530.1.1e – Parking, for the purpose of allowing accessory dwelling units as a Special Permitted use in the Rural Development and Low Density zones to the July meeting of the Planning & Zoning Commission as suggested by Brian Card to allow the Members of the Commission not present this evening to comment on the intent. Second by Milburn Stone. Motion carried unanimously.

2. Zone (Map) Change Application #15-1104 of Doris Huard for Boro Section 900 to change 50 Westcott Road (Eli & Richard L & Doris E Huard owners); Map #182- Lot 28; 0.29 acres; from Boro Residential Medium Zone to Boro General Commercial Zone

Motion by Milburn Stone to approve Zone (Map) Change Application #15-1104 of Doris Huard for Boro Section 900 to change 50 Westcott Road (Eli & Richard L & Doris E Huard owners); Map #182- Lot 28; 0.29 acres; from Boro Residential Medium Zone to Boro General Commercial Zone for the following reasons under the Boro Criteria:

- Brings this particular property into conformity with neighboring properties;
- It is in-line with long-range intent for creation of a General Commercial Zone in the area near the freeway exit;
- It was reasonably requested by the property owner.

Second by William Ritter.

Roll Call Vote: William Ritter – yes; Milburn Stone – yes; Brian Card – yes. Motion carried 3-0.

3. Zone (Text) Change Application #15-1106 of James Rivers for Boro Section 900 to Amend Section 300 – Definitions to add an Outpatient Therapeutic and/or Counseling Clinics definition and to amend Section 440.3 to add I. Outpatient Therapeutic and/or Counseling Clinics (as defined in Section 300) as a Special Permitted Use in the Central Business District zone – Continued to Monday, June 15, 2015, at 7:00 pm, Killingly Town Hall, 172 Main Street, Town Meeting Room, Second Floor.
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MAP/LOT	ADDRESS	OWNER(S)
181/162	46 Westcott Road	Penrod, Clone III & Elizabeth N
182/029	60 Westcott Road	Bank of America, NA

And to change the following parcels from Town Low Density zone to Town General Commercial zone:

MAP/LOT	ADDRESS	OWNER(S)
182/030	64 Westcott Road	Barry, Edward A
182/031	70 Westcott Road	Barry, Edward A
182/032	80 Westcott Road	Page, Robert A & Davis-Page Kathleen

Motion by William Ritter to approve Zone (Map) Change Application #15-1107 of the Killingly Planning & Zoning Commission to change the following parcels from Boro Residential Medium zone to Boro General Commercial Zone:

MAP/LOT	ADDRESS	OWNER(S)
181/162	46 Westcott Road	Penrod, Clone III & Elizabeth N
182/029	60 Westcott Road	Bank of America, NA

And to change the following parcels from Town Low Density zone to Town General Commercial zone:

MAP/LOT	ADDRESS	OWNER(S)
182/030	64 Westcott Road	Barry, Edward A
182/031	70 Westcott Road	Barry, Edward A
182/032	80 Westcott Road	Page, Robert A & Davis-Page Kathleen

with an effective date of Wednesday, June 10, 2015, at 12:01 a.m., for the following reasons:

- Follows the POCD as it designates this as a growing commercial area;
- It is leading up to the contiguous three acres on the Boro side and the 10 acres on the Town side;
- It helps develop the Town's overall economic viability as the area is close to the highway;
- Everything seems to be in order legally;
- Does not see any reason not to approve.

Second by Milburn Stone.

Brian Card noted, for the record, regarding the e-mail received from Robert A. Page and Kathleen M. Davis-Page, 80 Westcott Road: one of the primary reasons for this change to transform the area to allow for more commercial enterprise would hopefully benefit all the residents of the area.

Roll Call Vote: Milburn Stone – yes; William Ritter – yes; Brian Card – yes. Motion carried 3-0.

Motion by William Ritter to set an effective date of Wednesday, June 10, 2015, at 12:01 a.m., for approved Zone (Map) Change Application #15-1104 of Doris Huard for Boro Section 900 to change 50 Westcott Road (Eli & Richard L & Doris E Huard owners); Map #182- Lot 28; 0.29 acres; from Boro Residential Medium Zone to Boro General Commercial Zone. Second by Milburn Stone. Motion carried unanimously.

B. **Special Permits** - none

C. **Site Plan Reviews** - none

D. **Subdivisions** - none

E. **Other**

1. **Mixed Mill Use Development District Proposed Amendments** – Review of the draft April 20, 2015 updates and scheduling of further action.

Linda Walden stated that she had e-mailed (to the Commission Members) a letter that she had received via e-mail from Attorney St. Onge, dated April 29/30, 2015. She asked for direction from the Commission regarding comments made by Attorney St. Onge. Brian Card stated that he would rather wait and discuss at the June meeting when the other Commission Members will be present. Linda Walden stated that it is possible (if wrapped up at the June meeting) that it could be ready for the referrals and hold the hearing in July.

2. **Discussion and Direction on Remaining Plan of Conservation and Development Zone Map Changes** – Informational workshops could be scheduled for June 15, 2015.

Brian Card suggested that this be put on the Agenda and see what the Chair wants to do at that point.

IX. **NEW BUSINESS**

A. **Zone Change Applications** - none

B. **Special Permits** - none

C. **Site Plan Reviews**

Dave Capacchione, Town Engineer, stated that the Town would like to put up a salt shed on Town-owned property and he gave an overview. Linda Walden provided a photo and a drawing. Dave Capacchione stated:

- At the transfer station and he indicated where the salt shed would be located;
- It is not in an aquifer protection area;
- They have a funding source;
- There is storage of supplies, materials, and maintenance equipment;
- There are existing above-ground fuel tanks on the site;
- There is currently storage of eviction/excavation materials and trailers;
- Maximum height of 35 feet;
- To be open on one end;
- Push wall on three sides so as not to damage the structural integrity of the arches;
- Ability to dump and hand load trucks inside the building so material will not be exposed to the elements;
- All sand and salt to be stored inside (environmentally beneficial);
- A fair amount of cut (virgin ground) will be required on the site;
- Roughly 6,000 cubic yards of material will need to be removed to match existing grade;
- Wetlands are flagged – proposing a berm to keep runoff from the site out of the wetlands and into the drainage system;

Linda Walden asked how the 6,000 cubic yards of material would be used – sold, used by the town. Dave Capacchione stated that it would be used at another Town project. A development on Ledge Road is donating some property (to soften a curb) to the Town and the material will be used to fill in the hole to straighten out the corner. There is no intention to sell the material.

Linda Walden explained that there is already an existing municipal use on the property, but this would introduce a new specific use.

Brian Card asked if the fleet of trucks would be stored there. Dave Capacchione stated that the fleet would not be stored there, but the material may be stored in the building during the off season to get a better price on it.

Brian Card asked the Commission Members if this is an expansion of an existing use or is it a new use on Town property.

William Ritter stated that it is the toss of a coin and he has no problem either way. Milburn Stone and Brian Card stated that they feel it is an expansion of an existing use.

Linda Walden asked if it would be site plan review in front of the Commission. Brian Card stated site plan review in front of the Commission. Linda Walden stated that they could accommodate the earth removal of the 6,000 c.y. provided the details are supplied as part of this application.

Dave Capacchione stated that the application has already been submitted to Wetlands.

Motion by Milburn Stone to receive and schedule site plan review (before the P&Z Commission) for Application #15-1109 of Town of Killingly for Section 410.1.1h for a 72' x 150' salt storage shed; 246 Brickhouse Road; Map 190 - Lot 14; 225+/- acres; Rural Development Zone for Monday, June 15, 2015, at 7:00 pm, Killingly Town Hall, 172 Main Street, Town Meeting Room, Second Floor. Second by William Ritter. Motion carried unanimously.

- D. Subdivisions - none
- E. Other - none

- X. ADOPTION OF MINUTES
- 1. Regular Meeting of April 20, 2015

Motion by William Ritter to accept the Minutes of Regular Meeting of April 20, 2015. Second by Milburn Stone. Motion carried 2-0. Milburn Stone abstained as he had not attended that meeting.

XI. CORRESPONDENCE

XII. OTHER

- A. CGS 8-24 referrals – None.
- B. Zoning Enforcement Officer's Report – None.
- C. Zoning Activity Review – None.
- D. Building Office Report – None.
- E. Bond releases/reductions/calls – None.
- F. Project completion/mylar filing extension requests
- 1. One-year project completion request for Special Permit #06-901 of LaBossiere Enterprises for Sections 470 and 420.2.2c for 74,000 sf commercial plaza with appurtenant parking, including drive-thru facilities; 899 North Main Street; 19+/- acres; General Commercial Zone; And a five year site plan approval extension under Connecticut General Statutes Section 8-3(m) to run through September 18, 2020.

Linda Walden stated that this is the former Drive-in theater property on North Main Street. She explained the timeline for extension of project completion for special permit. An e-mail from John Labossiere dated April 13, 2015, was included in the packets to the Commission Members.

Motion by Milburn Stone to approve the one-year project completion request for Special Permit #06-901 of LaBossiere Enterprises for Sections 470 and 420.2.2c for 74,000 sf commercial plaza with appurtenant parking, including drive-thru facilities; 899 North Main Street; 19+/- acres; General Commercial Zone; And approve the five-year site plan approval extension under Connecticut General Statutes Section 8-3(m) to run through September 18, 2020. Second by William Ritter. Motion carried unanimously.

- G. Request to allow overhead utilities – None.
- H. Upcoming P&Z meetings - Next Regular Meeting – Monday, June 15, 2015

XIII. ECONOMIC DEVELOPMENT DIRECTOR

Elsie Bisset reported:

- The EDC meeting for May will be cancelled because they have been invited to a session with the Connecticut Resource Center to be held with the Brooklyn EDC. Killingly P&Z will be invited as well as Staff and Council Members. She stated that the training will be tailored to the communities in the region.

XIV. COUNCIL LIAISON

Joyce Ricci reported:

- The Budget passed – 8/10 Mill increase.
- Superintendent of Schools thanked Council for getting along and presenting a conservative budget.

XV. ADJOURNMENT

Motion by William Ritter to adjourn at 9:35 p.m. Second by Milburn Stone. Motion carried unanimously.

Respectfully submitted,



J.S. Perreault
Recording Clerk