



TOWN OF KILLINGLY, CT PLANNING AND ZONING COMMISSION

Monday, June 15, 2015
Regular Meeting
7:00 PM

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

MINUTES

I. CALL TO ORDER – Chair, Keith Thurlow, called the meeting to order at 7:00 pm.

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

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

Joyce Ricci, Town Council Liaison, was absent with notification.

II. SEATING OF ALTERNATES - William Ritter is voting this evening (appointed by Chair Keith Thurlow).

III. AGENDA ADDENDUM – None.

IV. MEETING CONDUCT AND ORIENTATION – Read by Linda Walden. She also stated that the Town Hall hours are changing effective June 22, 2015: Monday, Wednesday, Thursday – 8:00 am to 5:00 pm, Tuesday – 8:00 am to 6:00 pm, Friday 8:00 pm to 12:00 noon.

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

John Sarantopoulos, 37 Tunk City Road:

- Asked the Town Attorney, William St. Onge to explain land-in-lieu of cash concerning subdivisions. What is a text change?
- Stated that he is opposed to Application #15-1103 and is looking for information from Linda Walden regarding how many people (and their names) have put in applications that prompted #15-1103.

VI. COMMISSION/STAFF RESPONSES TO CITIZENS' COMMENTS

Attorney St. Onge, stated that he has researched the question of fee-in-lieu and has not found yet (in his view) any case that contradicts the statutory language that the Commission has the right to adopt a regulation which would allow an applicant to request to pay money rather than giving land in a subdivision. He will be presenting a formal written opinion with specific language.

Attorney St. Onge also clarified/explained that public comment, at this time, is limited to matters not subject to a public hearing to preserve the record. If someone wishes to make a comment that is directed through the public hearing itself, it should be made while the public hearing is open, otherwise it is not a record of the public hearing.

Mr. Sarantopoulos stated that he felt the need to come to the podium to express opposition before the scheduled public hearing because he has heard Linda Walden state before (in other cases) that no one has previously expressed opposition.

Linda Walden stated that she has some information for Mr. Sarantopoulos' request for a three-year search regarding who has applied for a two-family. She explained that she can't give a total number of how many people have applied because there is no paper trail for those (most) that don't bother applying after they find out that the Regulations do not allow it. Some cases: Rzucidlos; 20 Carter Street; several that have additional living space

that are change of use; some had been grandfathered in; two cases (Providence Pike and Green Hollow Road) removed kitchens; recently there was an inquiry from Mr. Misziazek; 150 Terwilleger Road.

VII. PUBLIC HEARINGS

A. Zone Change Applications

1. Continuation of 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.

Keith Thurlow stated that he had reviewed the minutes of the last meeting. Sheila Roddy stated that she has reviewed the minutes and watched the telecast of the last meeting.

Keith Thurlow commented that this is for a text change for a zone change and comments need to focus on the entire zone, not on a specific future application if approved.

Attorney, Edwin C. Higgins, III, 635 Route 197, Woodstock, CT, represented the Applicant. He stated that Mr. Rivers would like to offer additional information as well as supporting comments from other parties.

James Rivers submitted letters in support of the Application to Linda Walden. She read each into the record:

- Jeff Bousquet, owner of Steve Bousquet's Appliance & TV on Furnace Street, residence 39 Loyola Road, Woodstock, CT - letter dated June 6, 2015.
- Walter J. Zadora, owner of D&Z Vending and property owner of 113 School Street, residence 148 River Street.
- Jack Reeves, property owner 12 – 20 Furnace Street, residence 42 Cardinal Drive, Rogers, CT - letter dated June 5, 2015.
- Deb Savoie, owner Deb's Place Restaurant, 150 Main Street, residence Vezina Drive, Danielson – letter dated June 8, 2015.
- Samantha Kreimes, 6 Center Street – letter dated June 2, 2015.
- Edmond M. Raheb, owner of two commercial properties on Main Street, residence 100 Shepard Hill Road – letter dated June 8, 2015.
- Kristofer Mendala, owner VapeTek, 157 Main Street, Danielson, residence 50 County Home Road, Thompson
- Matt Turpin, owner Steam Punk Café, 85 Main Street, Danielson, residence 8 Birch Street, Plainfield, CT

Mr. Rivers apologized for the comments in the letters that did not stay on point with the text amendment. He read from a prepared statement which addressed comments in opposition made at the last public hearing:

- No residents in Killingly in favor of the Application – One man who commented is a resident of Rogers who is a healthcare professional working in Danielson.
- Mr. Rivers stated that he, himself, although not living in Killingly at this time, did live in Killingly for 28 years and spoke of his history here. He stated that he believes he is the largest taxpayer in the Central Business Zone. He stated that the testimony heard earlier in favor is from people who live, work, own property or businesses who have a stake in what happens. Testimony was also heard from professionals and experts in real estate and the behavioral health field.
- Main Street should be kept retail – Retail on Main Street, Central Business Zone, has been declining for many years. There are only four retailers from Town Hall to the railroad tracks. Many of the other spaces are vacant, service providers, or other agencies. The area that this zone change would affect includes properties on side streets off of Main Street. Most of the spaces on the upper floors are not retail and have never been retail.
- Loitering – The Special Permit process affords the Commission an opportunity to review each application's operation and make conditions to address impact concerns. He stated that loitering has diminished greatly in recent years.
- The Justice Resource Institute, which provides behavioral health counseling services, is located in the same building as Putnam Bank on the corner of Routes 44 and 101 in Pomfret. Mr. Borner, President of the Bank stated to Mr. Rivers that there were never any issues.
- The uses are State Government funded – Funding of therapeutic or counseling services may or may not come from the State. Care Net, 157 Main Street, was not funded by the State; Tri-State Rehabilitation Physical Therapy, Main Street, not directly funded by the State, but takes Medicare; The Connection, in

Old Brooklyn Savings Bank, was funded by the State; Perceptions, Water Street, probably receives funding from the State; Community Health Resources, Commerce Avenue, receives about 25 percent of funding from State grants and 75 percent are billed services.

- Therapy and other intended uses – Intend to be physical and behavioral therapy and many other possibilities for Main Street vacancies.

Jack Dusseault, 23 Laurel Drive, spoke in favor. He stated that he has family members who have had to use drug counseling services and it is disturbing to him when these people are referred to as undesirable.

Comment from those opposed to the Application:

Tammy Wakefield, 130 North Street, stated that she is a lifelong resident of Killingly, she walks her dogs in the area. She does not feel that there is a need for clinics in the Central Business District. She works in the healthcare industry and knows there is a need for these clinics, but the people who go to the clinics are not going to have money to spend on the Downtown businesses. She stated that she is opposed to this text amendment because of what may come in the future.

Ann Dauphinais, 204 Wright Road, is a nurse who is sensitive to the need for therapeutic services, has lived in Killingly since 1970. She stated that it is not a plausible argument to suggest that this would bring more business to the Downtown area, there is no statistical proof. She stated that some people don't want to speak; she asked if she could ask the audience for a show of hands for those opposed. Attorney St. Onge stated that everyone has an opportunity to identify themselves and speak for the record. She also stated that four of the nine Town Council Members have spoken in opposition.

Fred Ruhlemann, 255 Mashentuck Road, stated that a relative will be going to the facility on Commerce Avenue. Mr. Ruhlemann does not see a benefit for the facility to move.

Doug George, 113 Hawkins Street, stated that he had gone on the United States Small Business Association website for tips for choosing a location for a business. They recommend choosing a location:

- That provides exposure;
- That is consistent with the business image you want to maintain;
- And consider your employees' and your customers' perception of safety;

Mr. George feels these recommendations are at odds with the treatment center that is suggested.

Norm Ferron, 102 Squaw Rock Road, feels there is a purpose for these facilities, but not on Main Street.

William Ritter stated that, since there is a large audience, he would be in favor of asking for a show of hands of those opposed for those who do not wish to speak. Keith Thurlow asked the Town Attorney for guidance. Attorney St. Onge stated that the purpose of the public hearing is to hear logical reasons why this is or is not in the best interest of the overall zoning of the Town of Killingly. A show of hands does not establish any additional information to the Commission. The public may see it as a vote rather than a consideration on the merits of the proposal.

John Hallbergh, 1260 Hartford Pike, stated that this would set a bad precedence to make and he does not feel they should do it.

Sheila Roddy encouraged people to come forward and express their opinion whether for or against.

Keith Thurlow stated that it would be further complicated by residents vs. non-residents.

Sheila Roddy asked Linda Walden to provide feedback on one of her comments in the packet (for the May 20, 2015 meeting) to the Commission Members regarding the John Tighe building (where Sherwin Williams was located). Linda Walden stated that Mr. Tighe is not in agreement with the efforts of the Town and he wants to pick and choose his own occupants and that is the reason why that block has large vacancies.

Brian Card asked Mr. Rivers what he meant by his comments in the Killingly Business Association's Meeting Minutes for May 7, 2015, regarding "He also gave an update on the proposed text change; they're narrowing the

scope concerning therapy and counseling. Hopefully, it will give more flexibility to the commission, although there are still flaws in the health care area the way it is presently structured.”

Mr. Rivers stated that he is not sure what it means. He stated that he did give an update on the process, but he was not sure what the flaw is that he was referring to. Maybe it was the text amendment itself, or maybe the down vote of the last proposal, maybe that some of the Commission Members preferring to see the language structured as a special permit. He stated that he had brought the proposed text amendment up at two of the KBA meetings and there were no questions or comments at all. He stated that the letters read into the record at this meeting are from a different group of people than those that go to the KBA meetings. He stated that he has also spoken with many other Downtown merchants/property owners in the Central Business District (over the past few months) and although they did not provide testimony, they did not have a problem with what is being proposed as they understood what it was.

Linda Walden had provided copies of colored maps showing the Borough of Danielson Zoning and the Central Business District. It was also projected on the wall for viewing.

Linda Walden read letters received expressing opposition into the record:

- Two e-mails dated June 15, 2015, from R. Avery Tillinghast, President of Tillinghast Associates, and summer resident of Alexander's Lake. One had an explanation of why he could not attend the meeting, otherwise, identical.
- Pam Greenhalgh, 237 Margaret Henry Road, dated June 14, 2015.
- Tara Swagger, 204 Wright Road, dated June 15, 2015.
- Linda and Robert Filteau, 10 South River Lane, June 15, 2015.
- Shaun Beauregard, 16 Amanda Lane, June 15, 2015.
- Marilyn Adams, 11 Ledge Road, June 14, 2015,
- Richard C. Adams, Sr., 11 Ledge Road, June 14, 2015.
- Diane Summa, PhD, 98 Laurel Drive, June 15, 2015.
- Leo Waterman, 138 Maple Street, June 14, 2015.
- Patricia Waterman, 138 Maple Street, June 14, 2015.
- Jacqueline Walker, 32 Squaw Rock Road, June 15, 2015.
- James M. Walker, III 32 Squaw Rock Road, June 15, 2015.
- Nathan Antonelli, 130 Maple Street, June 15, 2015.
- Leigh Antonelli, 130 Maple Street, June 15, 2015.
- Kristy Guzman, 22 Palmer Street, June 14, 2015.
- Carol and Charles Fournier, 9 Irene Street, June 15, 2015.
- Felix E. Dudek, Jr., 263 Putnam Pike, sent June 15, 2015 and text dated June 14, 2015.
- John Burns, 544 L'Homme Street, dated June 15, 2015.
- Dale Dauphinais, 204 Wright Road, dated June 14, 2015.

Jack Dusseault, 23 Laurel Drive, asked how long the Borough Regulations have been in place. Linda Walden stated that the Borough Regulations were adopted in September 1960. She stated that she believes the language for the Central Business District is the original language from 1960 because she could not find any amendments to that section. She stated that in the year 2000, the Commission undertook a text amendment in the Central Business District and they specifically excluded clinics. She stated that the exclusion of the clinic language is also in the Central Business District under permitted uses.

Brian Card asked Attorney Higgins how they are differentiating the term “clinic” from “medical office.” Attorney Higgins stated that part of the problem was that there wasn't a definition for clinic. Another problem was that there was a request to allow it as of right. The different approach they are taking now is that they are trying to provide a definition where one didn't exist before looking to this particular use but, trying to keep it open enough so that the Commission could weigh other potential applications for uses that may not be envisioned at this time, that the Commission may feel are appropriate to allow by special permit. They tried to incorporate opinions of Counsel into the definition.

Sheila Roddy asked Linda Walden to explain, for the audience, permissive regulations vs. prohibitive regulations, which she did.

Linda Walden stated that Meeting Minutes from the KBA April and May, 2015 Meetings were included in the packets to the Commission Members, but the topic was not discussed at the June Meeting. She also stated that there is no advisory opinion from the EDC.

Elsie Bisset, Economic Development Director, explained that the EDC did not have a regular June meeting due to a seminar. At the meeting when it was on the agenda, it was discussed, but there were only three Members present, and the Applicant was not present. They felt that more information was needed to make an informed decision.

Jim Rivers, stated, for the record, that he lives on Searles Road in Pomfret Center. He stated that he received the instructions, comments, and concerns and the letter from Dale Dauphinais (whom he stated is the Chairman of the Quiet Corner Tea Party Patriots). Mr. Rivers stated that many of the comments are legitimate concerns and that he has the same concerns as the largest stakeholder on Main Street. Many of the comments are regarding a specific applicant. He stated that this is not for CHR or heroin addicts/substance abusers and he explained that Tri-State is looking to expand and has looked at the third floor and would like to stay in this area. He stated that Tri-State is defined as a clinic today and he doesn't want to lose them as a tenant.

Mr. Rivers stated that he has made a great investment in the Central Business District Zone in Killingly, and its leadership, in a time when not many others were not willing to do so. He hired a very good local Attorney who is experienced in municipal matters to write a very tight text amendment under the special permit section. He stated that he has faith that the Commission will act in a responsible manner on any application presented in the special permitting process and that Staff will enforce those conditions that the Commission would impose on an applicant ensuring that his investments are protected. He asked that this text amendment be approved.

Attorney Higgins stated that there was reference to the application being an attempt to tighten up a previous application, but it is substantially changing it from a request to allow it to be added as a permitted use as of right to a use for consideration by special exception. Mr. Rivers and his proposed applicant understand that there is a whole other, much more thorough, process to go through where the Commission can weigh the pros and cons of the detailed information. Attorney Higgins stated that this is the proper approach to take. He stated that hoping and wishing for uses that existed before is not going to solve issues. He stated that it's not asking too much for the Commission to allow applicants to bring forward fair proposals for what they are asking the Town to consider.

Linda Walden stated that there are other zones that allow clinics and she indicated on the Power Point map the Central Business District and the General Commercial Borough Zones.

Attorney St. Onge stated that it is a majority vote of the entire Commission to approve a map change or a text change, so three votes would be needed.

Motion by William Ritter to close 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. Second by Milburn Stone. 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: **Schedule Public hearing for Monday, July 20, 2015.** – See Below.

Motion by William Ritter to move Agenda Item:

VIII. UNFINISHED BUSINESS

A. Zone Change Applications

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.

to above Agenda Item:

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: **Schedule Public hearing for Monday, July 20, 2015.**

Second by Sheila Roddy. 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.

Motion by Brian Card to approve 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. Reasons for approval:

- Fulfills the need for economic growth in this region/district which is consistent with the POCD;
- Looking to retain existing employers in Downtown;
- Looking to promote infill in existing buildings/structures;
- Looking to promote and encourage development of the Central Business District specifically in the POCD;
- Consistent with some of the current uses allowed in the District already;
- Many of the buildings offer the opportunity for redevelopment especially on the upper floors and these types of businesses are good for those locations;
- Special Permit process gives the ability to govern some of the operational concerns raised by the public for these types of businesses.

Effective date Wednesday, July 8, 2015, at 12:01 a.m.

Second by Milburn Stone.

Roll Call Vote: Brian Card – yes; Sheila Roddy – no; Milburn Stone – yes; William Ritter – no; Keith Thurlow – no. Motion failed – application denied on failure of motion to approve.

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: **Schedule Public hearing for Monday, July 20, 2015.**

Brian Card stated that there were only three Commission Members present at the last meeting and that there was a brief discussion regarding intent. He stated that the Commission Members thought it was adequate, but wanted to have a review with the full Commission before scheduling a public hearing. Keith Thurlow stated that he had reviewed it earlier and found no problem with it. Sheila Roddy also had no problem.

Motion by Brian Card to schedule 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 for Monday, July 20, 2015, Town Meeting Room, Second Floor, Killingly Town Hall, 172 Main Street, 7:00 p.m. Second by Sheila Roddy. Motion carried unanimously.

B. Special Permits – none

C. Site Plan Reviews

1. Site Plan Review - Application #15-1109 of Town of Killingly for Section 410.1.h – expansion of municipal use – for a 72' x150' salt storage shed; 246 Brickhouse Road, Map 190 – Lot 14; 225 +/- acres; Rural Development Zone.

Dave Capacchione gave an overview and did a Power Point presentation. He provided two drawings:

- Proposed Drainage and Site Plan
- Details

Linda Walden asked if the plans had been revised from the ones that were received in her office last Thursday (June 11, 215) Dave Capacchione stated that there were some minor modifications. There were two full-sized sets of updated plans available for viewing by the Commission.

- Dave Capacchione indicated the existing conditions on the site with the existing drainage area and stated that wetlands are flagged.
- He explained that the drainage area will be divided into two separate drainage areas that will ultimately drain to the same spot.
- Roughly an acre will be cleared.
- He indicated the cut section and the existing contours.
- 3 to 1 slope coming down.
- 72 feet wide and 150 feet long.
- Area around pitched at 1 percent to drain out and ultimately to run off toward the pipe at the bottom of the hill.
- Proposing inside of salt shed to be asphalt.
- Asphalt apron out front (driveway apron).
- Indicated stone anti-tracking pad with a collection system. Inland/Wetlands Commission concerned about material leaving the salt shed attached to the tracks/wheels of loader/trucks.
- Berm on downhill side to be sure water doesn't run into the wetlands. Silt fence on downhill side as well.
- Existing shed will remain as part of continuing operations.
- Future plans to have a truck wash bay which would be tied into the holding tank.
- Intended to replace the existing salt storage facility which undersized and in a Level A Aquifer.
- The product to treat the roads is readily available (cost savings) before it snow. It becomes difficult to obtain after it snows.
- No new driveway cuts proposed.
- He went over the details: berm – roughly 2' across on top and 2 ½ to 3' in height, silt fence, arch – 34 ½ feet tall.
- Salt to be stored inside the building.
- Push wall on inside three sides (independent from the foundation for the structure).
- Indicated holding tank location.
- Foundation walls to be put on piers as opposed to a solid wall (cost savings).
- Intent is to have mixed product.

Brian Card asked if the berm will be collecting the water rather than redirecting to the south. Dave Capacchione indicated that it is intended to go to the south. Brian Card asked if the elevation doesn't work, would it be addressed in the field. Dave Capacchione stated that it would. Brian Card asked if there are any flooding or backup issues downstream from the culvert. Dave Capacchione stated that it goes by the Transfer Station to a wetland area, then discharges to the brook. Dave Capacchione stated that the only backup was that they put silt sacks in to control the sediment going into the downstream and they became blocked, but the pipe capacity has been able to handle it. Brian Card asked if there was room for a small retention basin if there were some flooding. Dave Capacchione stated that they could put it closer to the pipe location off to the side of the access road.

Sheila Roddy asked if the same access road would be used. Dave Capacchione stated that it is the same access road that is currently used for the building just past Shippee Schoolhouse Road.

Linda Walden asked Dave Capacchione to highlight the revisions. Dave Capacchione indicated changes:

- Revisions that Inland/Wetland wanted are included: existing catch basins on the site, layer of pipe, revised detail to indicated shape of the berm, asphalt apron shaded to make it clearer, included holding tank.

Linda Walden asked how Inland/Wetlands believed the impacts of potentially salty water would be. Dave Capacchione indicated a natural berm and stated that the water naturally goes that way anyway. The intent was to have it dissipate over the ground. The area will be self-contained – no loading or storage of salt or sand outside of the building. The potential for run-off will be minimal. Linda Walden stated that she was surprised that Inland/Wetlands did not request a detention basin prior to the final discharge point. She asked if there is a catch under the tracking pad. Dave Capacchione stated that the tracking pad is lined (proposing a poly liner on the bottom as well as filter fabric a foot down from the top), 6-inch perforated pipe proposed for inside the tracking pad, and once it gets to the edge of the tracking pad, it goes to solid pipe and then it would be directed to the holding tank.

Linda Walden asked for an explanation of operations. Dave Capacchione stated that it would depend on the storm, but the trucks would be loaded up and ready to go when they get called in. When they empty, they return to load up again. It will vary according to the storm and hours of operation would be dictated by Mother Nature. Linda Walden asked what the full fleet would be and where would they wait to be loaded. Dave Capacchione indicated on the plan and stated that he doesn't believe there would be a large queuing problem as they would be staggered.

Linda Walden asked the Commission to consider the residences across the street and suggested buffering or shielding for night-time headlights. Keith Thurlow asked if the other entrance could be used if there were complaints. Dave Capacchione stated that he is not opposed to making modifications. They don't want complaints and he doesn't think that anyone would be opposed to working with the citizens. Brian Card suggested arborvitaes or fencing.

Linda Walden stated that since there is no public water available in this area, it would be good to know the baseline chloride content of the on-site private wells across the street (for future issues). Dave Capacchione stated that there had been some testing on the houses and they had high levels of **chloroform**, but he does not think they were tested for sodium. He will look at the results and stated that they could test the well for the existing building.

Linda Walden stated that, regarding earth removal regulations, a special permit is not needed specifically for earth removal if it is tied into a project that is before the P&Z. She asked for an explanation of the timeline for the removal of the 6,000 cubic yards, including hours of operation. Dave Capacchione stated that they are looking for the best, economically feasible option. He anticipates that the work would begin as soon as would be allowed if approved. They originally intended to haul it to Ledge Road, but no one is moving forward. There is a project on River Ridge where 1,000 yards could be used. The left over material would be stored in the area where there was a wood processing facility to the east side of the brook. He indicated the area on the map.

Hours of operation would be Monday through Friday 7:00 am to 3:00 pm Town forces and it would probably take about a month.

Linda Walden asked if they were proposing any refueling sites. David Capacchione stated that there are two existing 275-gallon, above-ground tanks behind the existing building that they will continue to use. There are no underground tanks. There is a fuel-oil tank inside the building for heating purposes.

Keith Thurlow suggested a sediment pool if there is a drainage issue. Dave Capacchione agreed, but stated that he feels the potential for salt or any contamination into the wetlands is quite minimal.

Motion by Brian Card to approve the Site Plan for Application #15-1109 of Town of Killingly for Section 410.1.h – expansion of municipal use – for a 72' x150' salt storage shed; 246 Brickhouse Road, Map 190 – Lot 14; 225 +/- acres; Rural Development Zone with the following modifications:

- Work with Staff for buffering on the south side of the lot (shielding for headlights and noise issues);
- If the drainage culvert proves to be inadequate for flooding issues, the Town to look at adding a retention basin to slow down the water flow;
- Test the on-site well.

Second by Milburn Stone. Motion carried unanimously.

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 - review/discussion/action: **Schedule Public hearing for Monday, July 20, 2015.**

Town Attorney, William St. Onge, stated that initially, the concept was that by giving greater and more flexible use, they would be rehabbed and saved. However deterioration and the economy have combined to make them less effective.

There are some areas of concern he discussed at a meeting with Linda Walden and Elsie Bisset (April 29, 2015). He addressed them with the Commission:

- 445.2 – Attorney St. Onge suggests having a statement saying that they would have to establish to the Commission's satisfaction that, if there is not public water available, adequate non-municipal water would be available to the project and create no liability to the Town.

There was a consensus to delete the line for waiver of public water and sewer.

- 445.2.c – There was a consensus to delete "including, but not limited to the following."
- 445.2.c – Properties designated by MMUDD are not subdividable.

There was a consensus to add the following language suggested by Attorney St. Onge:

"they shall not be subdividable unless it is established to the Commission's full satisfaction during plan review that all environmental or building structural matters involving the existing structures and land have been satisfactorily addressed and remedied by remediation, rehabilitation or removal."

- 445.3a.1 - Attorney St. Onge stated that he is less concerned now that he understands that there must be an A-2 survey to get final approval.
- 445.4 – There was discussion on density. Attorney St. Onge suggested creating a simple chart showing best and worst case scenarios.
- Residential Use Restrictions - #7 on page 8 was removed and was replaced by what is now #9 on page 8.
- Page 10, #7 – Attorney St. Onge stated that if lights on sensors will come on and off with kids running through the neighborhood, he feels that may not be a good idea.
- Page 11, f. 4. – Attorney St. Onge stated that 50 feet seems relatively generous for new construction.
- Page 17, k.1.e. – There discussion and there was a consensus to change to 50 percent.
- Page 19 – Attorney St. Onge stated that for exemptions, as long as it is perfectly clear throughout the Regulations that the concept plan approval does not negate in any way the requirement for special permit site plan, he can live with that.
- 445.8 – Attorney St. Onge stated that there is a lot of discretion in the Commission, and although he has faith in the Commission, he feels that a judge might determine that there is so much discretion that it not a regulation any more, but a right. It was decided that "a" covers this concern.

I was decided to change the last word in the first paragraph from "greater" to "less."

Linda mentioned the court case McKenzie. There is a challenge to Commissions for waiving items in their regulations even when their regulations say they can waive them. She stated this may affect the wording of various regulations.

Brian Card asked if Linda could do an analysis regarding densities before moving on with the public hearing.

Linda Walden will revise the draft incorporating tonight's discussion items. She will also prepare a design scenario -- 50 foot high buildings/600 s.f. units with no density cap -- best and worst case scenarios using a small mill property and a larger one. She will have this for the July meeting.

Elsie Bisset spoke with Patrick O'Leary, VHB, he will come to the public hearing and will come prior if needed. Ralph Wilmer is no longer with VHB. Elsie gave him a copy of the December 2014 draft to get him started. The Commission was in agreement that there was no need for the consultant to come before the public hearing.

There was discussion regarding bonding. Attorney St. Onge and Linda Walden will meet to discuss new restrictions on bonding.

2. Discussion and Direction on Remaining Plan of Conservation and Development Zone Map Changes – Informational workshops - (review/discussion/action)

This will be left on the Agenda for when there is time.

IX. NEW BUSINESS

- A. **Zone Change Applications** - none
- B. **Special Permits** - none
- C. **Site Plan Reviews** - none
- D. **Subdivisions** - none
- E. **Other** - none

X. ADOPTION OF MINUTES

1. Regular Meeting of May 18, 2015

Motion by Milburn Stone to adopt the Minutes of Regular Meeting of May 18, 2015. Second by Brian Card. Motion carried 3-0. Sheila Roddy and Keith Thurlow abstained as they 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 – None.
- G. Request to allow overhead utilities – None.
- H. Upcoming P&Z meetings - **Next Regular Meeting – Monday, July 20, 2015**

XIII. ECONOMIC DEVELOPMENT DIRECTOR

Elsie Bisset reported:

- EDC did not have a regular meeting in June, but they met with Brooklyn and the Connecticut Economic Resource Center spoke and did a Power Point (which she will provide to the P&Z Commission Members).

XIV. COUNCIL LIAISON – Joyce Ricci was absent with notification.

At this time, Keith Thurlow stated that he saw a sign (in California). He suggested having the format of the sign and have the public buy them, fill them out, put them up, and he feels that they would feel more responsible to take them down. There was discussion regarding signs.

There was a consensus to continue to use the yellow stock card, handle it through the Town Council to lower the cost of the application fee and the applicant would be responsible to purchase the signs (information would be provided to the applicant – where they can purchase them).

XV. ADJOURNMENT

Motion by William Ritter to adjourn at 10:25 p.m. Second by Sheila Roddy. Motion carried unanimously.

Respectfully submitted,

J.S. Perreault
Recording Clerk