



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

**Monday, August 17, 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 7:02 pm.

**ROLL CALL** – Milburn Stone, Sheila Roddy, Keith Thurlow.

Brian Card, Todd Nelson, and William Ritter were absent with notification.

**Staff Present** – Karen Clark, Zoning Enforcement Officer, Planning Assistant; Eric Rumsey, Planner 1, Wetlands Agent; Elsie Bisset, Economic Development Director.

**Also Present** - Joyce Ricci, Town Council Liaison.

**II. SEATING OF ALTERNATES** – None.

**III. AGENDA ADDENDUM** – None.

**IV. MEETING CONDUCT AND ORIENTATION** – Read by Karen Clark.

**V. CITIZENS' COMMENTS ON ITEMS NOT SUBJECT TO PUBLIC HEARING** (Individual presentations not to exceed 3 minutes; limited to an aggregate of 21 minutes unless otherwise indicated by a majority vote of the Commission) – None.

**VI. COMMISSION/STAFF RESPONSES TO CITIZENS' COMMENTS** – None.

**VII. PUBLIC HEARINGS**

**A. Zone Change Applications** - none

**B. Special Permits** - none

**C. Site Plan Reviews** - none

**D. Subdivisions** - none

**E. Other** – none

**VIII. UNFINISHED BUSINESS**

**A. Zone Change Applications** - none

**B. Special Permits** – none

**C. Site Plan Reviews** - none

**D. Subdivisions** - none

**E. Other**

1. Discussion and Direction on Remaining Plan of Conservation and Development Zone Map Changes – Informational workshops.

Keith Thurlow suggested putting this item off to the next agenda so that the Commission Members not present would have the opportunity to participate in discussion.

Motion by Sheila Roddy that Staff contact (by e-mail) the P&Z Commission Members not present at this meeting to ensure that they review materials regarding Remaining Plan of Conservation and Development Zone Map Changes so that they will be prepared for discussion for the next agenda. Second by Milburn Stone. Motion carried unanimously.

**IX. NEW BUSINESS**

**A. Zone Change Applications**

1. Consideration to sponsor Zone (Text) Change Application #15 – 1108 to add new Section 445 Mill Mixed Use Development District (MMUDD), and delete the existing Section 445 Mill Mixed Use Development District (MMUDD).

Keith Thurlow stated that the Commission had discussed and made final changes at the last meeting and that any further changes could be made later.

Motion by Milburn Stone to schedule a public hearing for Zone (Text) Change Application #15 – 1108 to add new Section 445 Mill Mixed Use Development District (MMUDD), and delete the existing Section 445 Mill Mixed Use Development District (MMUDD) for Monday, September 21, 2015, Town Meeting Room, Second Floor, Killingly Town Hall, 172 Main Street, at 7:00 p.m. Second by Sheila Roddy. Motion carried unanimously.

**B. Special Permits - none**

**C. Site Plan Reviews - none**

**D. Subdivisions - none**

**E. Other**

1. LED signs in residential zones – request from ZEO/Planning Assistant Karen Clark.

Karen Clark explained that information had been included in the packets to the Commission Members and that LED's can be programmed to any brightness.

Sheila Roddy mentioned that also included in the packets was a newsletter from the Connecticut Federation of Planning and Zoning Agencies which contained information regarding digitizing/flashing billboards.

Milburn Stone stated that he feels this matter should be discussed with a full Commission. Sheila Roddy agreed.

Motion by Sheila Roddy to defer additional discussion regarding LED signs in residential zones – request from ZEO/Planning Assistant Karen Clark to Monday, September 21, 2015, Town Meeting Room, Second Floor, Killingly Town Hall, 172 Main Street, at 7:00 p.m. Second by Milburn Stone. Motion carried unanimously.

2. "Livestock Management Plan" clarification –from ZEO/Planning Assistant Karen Clark.

Frank Anastasio, Chair of the Killingly Agriculture Commission, stated that that the Agriculture Commission held discussion regarding this question at its August 12, 2015 meeting (copies of letter dated August 13, 2015, from Mr. Anastasio to the Killingly Planning and Zoning Commission had been provided by Karen Clark for the record). Mr. Anastasio explained about a year had been spent drafting the language for new regulations to make it easier for people in Killingly to farm successfully and that, after consulting with the P&Z Commission a number of times, the language was adopted. He stated that the number of animals allowed on a particular piece of property is addressed in Section 585.6 and that the intent was that, if farmers had the ability to go beyond the numbers specified in the zoning regulations, there would be an avenue for them to be able to do that. He stated that maybe the wording could have been clearer. He stated that they made it strict by requiring that a plan be submitted to the ZEO and the farm be visited by the Connecticut Department of Agriculture to ensure that the farmer is following the guidelines by which farming should be done (Generally Accepted Agricultural Practices/Best Management Practices).

Mr. Anastasio stated that the Agriculture Commission did not vote on an opinion as to what to do regarding a particular matter, although they did review the letters and statements made, but rather on clarification of the language.

Keith Thurlow stated that the P&Z Commission wanted clarification regarding the State not acknowledging the term "Best Management Practices." Mr. Anastasio stated that it is the use of different terms (Best Management Practices vs. Generally Accepted Agricultural Practices) and that, as far as he knows, the State of CT does not require a written plan. He referred to the Inspection Report from Connecticut Department of Agriculture Inspector, Timothy McGuire, dated May 22, 2015, which states, "Mr. Mccullough stated his management plan..." Mr. Anastasio stated that Mr. Mccullough submitted a written plan to Karen Clark and that the State visited the farm and the State found that Mr. Mccullough is following the regulations. Ms. Clark also visited the farm. He referred to Section 620 and stated that agricultural uses are

exempt from certain permit applications. He stated that in the 25 years that he has been farming, he has never had to submit a zoning permit application.

Sheila Roddy stated that she feels there should be some kind of written record (template) for consistency to cover points of interest.

Milburn Stone stated that the State Department of Agriculture's methods seem to be somewhat casual. Mr. Anastasio stated that he was not present during the inspection, but he is not sure what the inspector could have done to be more rigorous. Mr. Anastasio explained that the State Department of Agriculture does not want to have a list of things that are good and bad because every farm is different (a farm near water or a farm that is near a property line is totally different from a farm that is not, etc.). They look to the Agricultural employee's judgment as to whether a farm is following the Generally Accepted Agricultural Practices. He pointed out that farms have been shut down and animals confiscated when there has been a problem and he feels the State takes this very seriously.

Milburn Stone asked if there is an official way that State can resolve the issue. Mr. Anastasio stated that the parties could talk, but the State would not act as a mediator. He stated that the Town has been involved with other incidents in the past regarding these kinds of issues. He stated that the progression of better farming practices is going on all the time and the Connecticut Department of Agriculture is on top of the best way to do things, so they already made a decision that this operation is fine and if it wasn't fine, they would have made recommendations for how it should change.

Keith Thurlow stated it seems that the problem is with the term Best Management Practices and that maybe the Town Attorney should be consulted.

Discussion ensued.

Motion by Sheila Roddy to suspend the rules to allow for public comment regarding "Livestock Management Plan" clarification –from ZEO/Planning Assistant Karen Clark. Second by Milburn Stone. Motion carried unanimously.

**John Sarantopoulos**, 37 Tunk City Road, stated that he is a neighbor (and referred to himself as the plaintiff) of the McCulloughs. He spoke of the Right to Farm where he said it states clearly that the State has no right to change local zoning numbers for animals and that all farmers have to follow good farming practices. He said that there is no document that allows someone to exceed the numbers that have been established by zoning in the community which, he said, were established with input from John Filcheck of NECCOG and are uniform throughout all of the communities. His neighbor has exceeded those numbers tremendously (300 percent).

Mr. Sarantopoulos stated that he was, as still is, in support of the farming commission, but he stated that the Town Council was misled. He said that he had asked if the proposed language on the numbers of animals was identical to the language in Zoning and was told "yes." He said that language regarding "Livestock Management Plan" was added (snuck in) and this was typical of Planning and Zoning Agendas and somebody wanted to allow farmers to expand beyond what the land can support. On two acres of land there are 10 pigs and 340 chickens. The pigpen is in violation of the farm act as it is not 150 feet from a residence and, at times, the chickens are at the property line in a 6 by 8 foot, cramped area. He stated that this is a commercial operation on two acres of property. He feels that the Town Attorney should be look at this.

**Adam Griffiths**, 98 Griffiths Road, explained that free range means that there is access to the ground. He stated that he reviewed the property and there is no pigpen and that the pigs seem to be of the free range variety, the chicken pens are moved on a fairly regular basis. He explained that farming is the fastest growing business in the State. He stated that the State has the review systems to be sure that current best practices are being followed. He stated that we should not be handicapping our small businesses and our farmers because we need to grow as a community.

**Laura Hunt**, 130 Sawmill Hill Road, read from a prepared statement which she submitted to Staff. She stated that she has been a downwind abutter for seven years and has never had any problems with the McCulloughs' farming practices. The pigs have been less than 30 feet from her bedroom window with no issues. She said that she is blessed to have such a conscientious steward for the land as a neighbor. She said that restricting activities that the schools are encouraging doesn't make sense.

**Brent McCullough**, 112 Sawmill Hill Road, read from a prepared statement which explained that he has been expanding due to the growing demand of his steady, repeat customers. He stated that he had asked Mr. Sarantopoulos to use some of his land in the past, only to meet the growing demand for his products, not because his own land could not handle the number of animals. He explained that the method of using mobile coops, pens and electric fence, and constantly moving

them, is to avoid abnormal smells and flies. He read from Section 485.6g, paragraph four, and explained that he immediately began to comply when he learned that the number of chickens exceeded the number allowed:

- Submitted "Livestock Management Plan" to the CT Department of Agriculture via e-mail and received a favorable report, in writing, which stated that he is following generally accepted agricultural practices.

Mr. McCullough stated that the Town's Regulations are working as intended. He is thankful for the paragraph four provisions that allow a properly managed farm to exist on a small parcel.

**Nina Jackson**, 31 Cook Hill Road, read from a prepared statement. She purchases eggs, chicken, and pork from the McCullough farm and was surprised at how it isn't noisy, no animal smells, and no flies. She referred to Section 485.6g, paragraph four, as a common sense provision.

**Colin Hurst**, 130 Sawmill Hill Road, stated that he is also a downwind neighbor and has never had an issue with smells or flies. He stated that Mr. Sarantopoulos had never approached him regarding any problems. Mr. Hurst stated that he feels this is a complete waste of time as he has never seen such a clean farm.

Keith Thurlow stated that he feels this is a matter of interpretation of the Regulations and should be referred to the Town Attorney for review.

Motion by Sheila Roddy to refer "Livestock Management Plan" clarification –from ZEO/Planning Assistant Karen Clark to the Town Attorney for interpretation of regulations/compliance. Second by Milburn Stone. Motion carried unanimously.

3. Public hearing signs/placards – (review/discussion/action)

Keith Thurlow explained that he had had a meeting with the Town Manager and that they discussed using the same signs (since there are so many on hand already) and having a fee for the signs to help ensure that they be removed.

Eric Rumsey stated that it is sensible to have a deposit that the applicant would get back after taking down the signs.

Sheila Roddy stated the timeline should also be considered.

There was a consensus among the Commission for Staff to draft language and make a suggestion for the amount of the deposit/fee which will need to be presented to Town Council for action.

**X. ADOPTION OF MINUTES**

1. Regular Meeting of July 20, 2015

Motion by Sheila Roddy to adopt the Minutes of Regular Meeting of July 20, 2015. Second by Milburn Stone. Motion carried unanimously.

**XI. CORRESPONDENCE**

**XII. OTHER**

A. CGS 8-24 referrals

1. CGS 8-24 referral for the proposed Rogers Village Pump Station Comprehensive upgrade – total anticipated project cost of \$3.5 million.

Keith Thurlow asked about emergency measures. Karen Clark stated portable pumps for when the pumps fail. Keith Thurlow stated that the Commission is concerned with health, safety, and welfare and he would like to see the method meet the need.

Eric Rumsey stated that it is currently not pumping anywhere near its capacity to pump. The Town is no longer receiving effluent from Pomfret (Steak Um Corporation).

Keith Thurlow stated that the Commission needs to know if there is a plan in place to address issues.

Karen Clark stated that she would need to ask Dave Capacchione, Town Engineer, what the emergency procedures are which they have had to implement in the past when pumps have failed.

There was a consensus among the Commission to table to next month's Agenda. Karen Clark will ask the Town Engineer to either outline the emergency procedure or to attend the next meeting. Karen Clark and Eric Rumsey assured the Commission that this will not hold up the project.

- 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. Three year extension request by Bruce Woodis, L.L.S., KWP, on behalf of Tilcon Connecticut, Inc. for Special Permit #09-961 for sand/gravel excavation; Section 560.3; 548 Wauregan Road; 112+/- acres; Rural Development Zone.

Karen Clark stated that there has not been any substantial change.

Motion by Sheila Roddy to approve three-year extension request by Bruce Woodis, L.L.S., KWP, on behalf of Tilcon Connecticut, Inc. for Special Permit #09-961 for sand/gravel excavation; Section 560.3; 548 Wauregan Road; 112+/- acres; Rural Development Zone. Second by Milburn Stone. Motion carried unanimously.

Keith Thurlow stated that, at some point in the future, the gravel regulations should be looked at and addressed for consistency.

- G. Request to allow overhead utilities – None.
- H. Upcoming P&Z meetings - **Next Regular Meeting – Monday, September 21, 2015**

### **XIII. ECONOMIC DEVELOPMENT DIRECTOR**

Elsie Bisset reported:

- VHB will do presentation of MMUDD Regulations at the public hearing.
- August Meeting - discussed Draft Annual Report which will go to the P&Z Commission in September.
- Simply Orthodontics Ribbon Cutting on July 29<sup>th</sup>.
- The Thompson Selectmen invited the public to meet with Federal and State people to discuss issues related to the economic condition of the region to be held August 24<sup>th</sup> from 9 am to 11 am.
- Attended a forum sponsored by Joe Courtney regarding grants which was beneficial.
- Town Manager has been authorized to negotiate with Fuel Cell Energy on the tax development deal.

### **XIV. COUNCIL LIAISON**

Joyce Ricci reported:

- Fuel Cell Energy will be acted on next month.
- Salary adjustments for Town Hall personnel were approved.
- Town Manager executed an agreement with Hooker & Holcom regarding investments for employees.

### **XV. ADJOURNMENT**

Motion by Milburn Stone to adjourn at 8:10 p.m. Second by Sheila Roddy. Motion carried unanimously.

Respectfully submitted,

J.S. Perreault  
Recording Clerk